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P A R L I A M E N T;  
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D E T E R M I N A T I O N S  
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A N D A L L T H E I R I N C I D E N T S;  
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T H E W H O L E  
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A P P E N D I X O F P R E C E D E N T S,  
W I T H  
A T A B L E O F T H E P R I N C I P A L M A T T E R S.

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B Y A G E N T L E M A N O F T H E I N N E R - T E M P L E.

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## P R E F A C E.

“ **B**ECAUSE the true and ancient Institution of Parliament; do require the lower House, at this Time, if ever, to be compounded of the gravest, ablest, and worthiest Members that may be found: We do hereby, (said King *James* the First, in a Proclamation for a Parliament) out of the Care of the common Good, wherein themselves are participant, without all Prejudice to the Freedom of Elections, admonish all our loving Subjects, that have Votes in the Election of Knights and Burgeſſes, of these few Points following.

“ That they cast their Eyes upon the worthiest Men of all Sorts, Knights and Gentlemen, that are Lights and Guides in their Countries, experienced Parliament Men, wise and discreet Statesmen, that have been practised in public Affairs, whether at Home or Abroad, grave and eminent Lawyers, substan-

tial Citizens and Burgeſſes, and generally ſuch as are intereſted and have Portion in the Eſtate.

“ Secondly, That they make Choice of ſuch as are well affected in Religion, without declining either on the one Hand to Blindneſs and Superſtition, or on the other Hand to Scifm or turbulent Diſpoſition.

“ Thirdly, and Laſtly, That they be truly ſenſible, not to diſvalue or diſparage the Houſe with Bankrupts and neceſſitous Perſons, that may deſire long Parliaments only for Protection; Lawyers of mean Account and Eſtimation; young men that are not ripe for grave Conſultations; mean Dependants upon great Perſons, that may be thought to have their Voices under Command, and ſuch like obſcure and inferior Perſons: ſo that, to conclude, we may have the Comfort to ſee before us the very Face of a ſufficient and well compoſed Houſe, ſuch as may be worthy to be a Representative of a third Eſtate of our Kingdom, fit to nourish a loving and comfortable Meeting between Us and our People, and fit to be a noble Inſtrument, under the Bleſſing of Almighty *God*, and our princely Care and Power, and with the loving Conjunction of our Prelates and Peers, for the ſettling ſo great Affairs,” as the proper Objects of Parliament. See Lord *Bacon's Works*, 3 Vol. Qto. 387, 388.

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5 *R. 2. 2. c. 4.* **E**VERY one to whom it belongeth, shall, upon Summons, come to the Parliament.

7 *H. 4. ch. 15.* The Manner of the Election of Knights of Shires for a Parliament.

1 *H. 5. ch. 1.* What Sort of People shall be chosen, and who shall be Choosers of the Knights and Burgeses of the Parliament.

3 *H. 6. ch. 7.* What Sort of Men shall be Choosers; and who shall be chosen Knights of the Parliament.

10 *H. 6. ch. 2.* Certain Things required in him who shall be a Chooser of the Knights of Parliament.

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- 35 *H. 8. ch. 11.* The Bill for Knights and Burgeſſes in *Wales*, concerning the Payment of their Fees and Wages.
- 5 *Eliz. c. 9.* An Act for Punishment of ſuch as ſhall procure or commit any wilful Perjury.
- 29 *Eliz. c. 5.* An Act for the Continuance and perfecting of divers Statutes.
- 21 *Jac. c. 28.* An Act for continuing and re-viving of divers Statutes, and Re-peat of divers others.
- 25 *C. 2. ch. 9.* An Act to enable the County Palatine of *Durham*, to ſend Knights and Burgeſſes to ſerve in Parliament.
- 30 *C. 2. ſt. 2. c. 1.* An Act for the more effectual preſerving the King's Perſon and Government, by diſabling Papiſts from ſitting in either Houſe of Parliament.
- 1 *W & M. c. 1.* An Act for removing and preventing all Questions and Diſputes

concerning the Assembling and sitting of this present Parliament.

1 *W. & M. ft. 1. ch. 8.* An Act for the Abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths.

1 *W. & M. c. 18.* An Act for exempting their Majesties Protestant Subjects, dissenting from the Church of *England*, from the Penalties of certain Laws.

1 *W. & M. Sess. 2. ch. 2.* An Act declaring the Rights and Liberties of the Subject, and settling the Suceffion of the Crown.

2 *W. & M. ft. 1. ch. 7.* An Act to declare the Right and Freedom of Election of Members to serve in Parliament for the *Cinque-Ports*.

5 *W. & M. c. 7.* An Act for granting to their Majesties certain Rates and Duties upon Salt, and upon Beer, Ale, and other Liquors; for securing certain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of ten hundred thousand Pounds towards carrying on the War against *France*.

5 *W. & M. c. 20.* An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; for securing certain

tain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of fifteen hundred thousand Pounds towards carrying on the War against *France*.

7 *W. 3. ch. 4.* An Act for preventing Charge and Expence in Elections of Members to serve in Parliament.

7 *W. 3. ch. 7.* An Act to prevent false and double Returns of Members to serve in Parliament.

7 & 8 *W. 3. c. 25.* An Act for the further regulating Elections of Members to serve in Parliament; and for the preventing irregular Proceedings of Sheriffs and other Officers in the electing and returning such Members.

7 & 8 *W. 3. c. 27. sect. 19.* An Act for the better Security of his Majesty's Royal Person and Government.

10 & 11 *W. 3. ch. 7.* An Act for preventing irregular Proceedings of Sheriffs and other Officers, in making the Returns of Members chosen to serve in Parliament.

11 & 12 *W. 3. ch. 2.* An Act for granting an Aid to his Majesty by Sale of the forfeited, and other Estates and Interests in *Ireland*; and by a Land-Tax in *England*,



*England*, for the several Purposes therein mentioned.

12 & 13 *W.* 3. An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subjects.  
*ch.* 2.

12 & 13 *W.* 3. An Act for granting an Aid to his Majesty, for defraying the Expence of his Navy, Guards and Garrisons for one Year, and for other necessary Occasions.  
*ch.* 10.

13 *W.* 3. *ch.* 6. An Act for the further Security of his Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and secret Abettors.

1 *Ann.*, *st.* 1. *c.* 22. An Act to declare the Alterations in the Oath appointed to be taken by the Act, intituled, " An Act for the further Security of his Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined.

2 & 3 *Ann.* *ch.* 4. An Act for the public Registering of all Deeds, Conveyances and Wills that shall be made of  
any

any Honours, Manors, Lands, Tenements or Hereditaments within the *West-Riding* of the County of *York*, after the nine and twentieth Day of *September*, One thousand seven hundred and four.

4 & 5 *Ann, ch. 8.* An Act for the Union of the two Kingdoms of *England* and *Scotland*.

6 *Ann, ch. 6.* An Act for rendering the Union of the two Kingdoms more entire and complete.

6 *Ann, ch. 7.* An Act for the Security of her Majesty's Person and Government, and of the Succession to the Crown of *Great Britain* in the Protestant Line.

6 *Ann, ch. 23.* An Act to make further Provision for electing and summoning sixteen Peers of *Scotland*, to sit in the House of Peers in the Parliament of *Great Britain*, and for trying Peers for Offences committed in *Scotland*, and for the further regulating of Elections of Members to serve in Parliament.

6 *Ann, ch. 35.* An Act for the public Registering of all Deeds, Conveyances, Wills, and other Incumbrances that shall be made of, or that may affect any Honors, Manors, Lands, Tenements, or Hereditaments within the *East Riding* of the County

ty of *York*, or the Town and County of the Town of *Kingston* upon *Hull*, after the nine and twentieth Day of *September*, One thousand seven hundred and eight; and for the rendering the Register in the *West Riding*, more complete.

7 *Ann, ch. 20.* An Act for the public Registering of Deeds, Conveyances, and Wills, and other Incumbrances which shall be made of, or that may effect any Honors, Manors, Lands, Tenements, or Hereditaments, within the County of *Middlesex*, after the twenty-ninth Day of *September*, One thousand seven hundred and nine.

9 *Ann, ch. 5.* An Act for securing the Freedom of Parliaments by the further qualifying the Members to sit in the House of Commons.

10 *Ann, c. 19.* An Act for laying several Duties upon all Sope and Paper made in *Great Britain*, or imported into the same; and upon chequered and striped Linnens imported; and upon certain Silks, Callicoes, Linnens and Stuffs, printed, painted, or stained; and upon several Kinds of stamped Vellum, Parchment and Paper; and upon certain printed Papers, Pamphlets, and Advertisements; for raising the Sum of Eighteen hundred thousand

thousand Pounds, by way of Lottery towards her Majesty's Supply; and for Licencing an additional Number of Hackney Chairs; and for charging certain Stocks of Cards and Dice; and for better securing her Majesty's Duties to arise in the Office, for Stamp-Duties by Licences for Marriages, and otherwise; and for Relief of Persons who have not claimed their Lottery Tickets in due Time, or have lost Exchequer Bills, or Lottery Tickets; and for borrowing Money upon Stock (Part of the Capital of the South Sea Company) for the Use of the Public.

10 *Ann, ch. 23.* An Act for the more effectual preventing fraudulent Conveyances in order to multiply Votes for electing Knights of Shires to serve in Parliament.

12 *Ann, ch. 5.* An Act to explain a Clause in an Act of the last Session of Parliament, intituled, "An Act for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for electing Knights of Shires to serve in Parliament, as far as the same relates to the ascertaining the Value of Freeholds of forty Shillings *per Annum*."

12 *Ann, Sess. 1.* An Act for the better regulating  
*ch. 6.* the Elections of Members to serve  
 in



in Parliament for that Part of *Great Britain* called *Scotland*.

12 *An. ft. 1. c. 15.* An Act for making perpetual an Act made in the seventh Year of the Reign of the late King *William*, intituled, “An Act to prevent false and double Returns of Members to serve in Parliament.”

1 *Geo. ft. 2. c. 4.* An Act to explain the Act made in the twelfth Year of the Reign of King *William* the Third, intituled, “An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject.”

1 *Geo. ft. 2. c. 13.* An Act for further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess *Sophia*, being Protestants; and for extinguishing the Hopes of the pretended Prince of *Wales*, and his open and secret Abettors.

3 *Geo. c. 8.* An Act for redeeming several Funds of the Governor and Company of the Bank of *England*, pursuant to former Provisoes of Redemption; and for securing to them several new Funds and Allowances redeemable by Parliament; and for obliging them to advance further Sums not exceeding two millions five hundred thousand Pounds, at five Pounds  
per

*per Centum*, as shall be found necessary to be employed in lessening the national Debts and Incumbrances; and for continuing certain Provisions formerly made for the Expences of his Majesty's civil Government, and for Payment of Annuities formerly purchased at the Rate of five Pounds *per Centum*; and for other Purposes in this Act mentioned.

3 Geo. c. 9. An Act for redeeming the yearly Fund of the *South Sea Company* (being after the Rate of six Pounds *per Centum, per Annum*) and settling on the said Company a yearly Fund, after the Rate of five Pounds *per Centum, per Annum*, redeemable by Parliament; and to raise for an Annuity or Annuities at five Pounds *per Centum, per Annum*, any Sum not exceeding two Millions, to be employed in lessening the national Debts and Incumbrances; and for making the said new yearly Fund and Annuities to be hereafter redeemable in the Time and Manner thereby prescribed.

6 Geo. c. 18. An Act for better securing certain Powers and Privileges intended to be granted by his Majesty, by two Charters for Assurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry; and for restraining several extravagant

travagant and unwarrantable Practices therein mentioned.

1 *Geo. 2. ch. 56.* An Act to disable any Person from being chosen a Member of, or from sitting and voting in the House of Commons, who has any Pension for any Number of Years from the Crown.

11 *Geo. 1. c. 18.* An Act for regulating Elections within the City of *London*; and for preserving the Peace, good Order, and Government of the said City.

2 *Geo. 2. ch. 24.* An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament.

2 *Geo. 2. c. 25.* An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subordination of Perjury; and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money.

7 *Geo. 2. c. 16.* An Act for the better regulating the Election of Members to serve in the House of Commons, for that Part of *Great Britain* called *Scotland*; and for incapacitating the Judges of the Court of Session, Court of Justiciary, and Barons of the Court of *Exchequer* in *Scotland*, to be elected, or to sit or vote as  
b Members

## Members of the House of Commons.

- 8 *Geo. 2. ch. 6.* An Act for the public Registering of all Deeds, Conveyances, and Wills, and other Incumbrances, that shall be made of, or that may affect, any Honors, Manors, Lands, Tenements or Hereditaments, within the *North Riding* of the County of *York*, after the nine and twentieth Day of *September*, One thousand seven hundred and thirty-six.
- 8 *Geo. 2. ch. 30.* An Act for regulating the Quartering of Soldiers during the Time of Elections of Members to serve in Parliament.
- 9 *Geo. 2. ch. 18.* An Act for reviving and continuing the Acts therein mentioned, and for explaining and amending a Clause in an Act made in the first Year of the Reign of his late Majesty King *George* the First, intituled, "An Act for making the Laws for repairing the Highways more effectual, relating to the appointing Scavengers in Cities and Market Towns, and the Ordering the Assessments for the repairing and cleansing the Streets therein."
- 9 *Geo. 2. ch. 38.* An Act to explain and amend so much of an Act made in the second Year of his present Majesty's Reign, intituled, "An Act for the more effectual preventing Bribery and

and Corruption in the Election of Members to serve in Parliament," as relates to the commencing and carrying on of Prosecutions grounded upon the said Act.

13 *Geo. 2. c. 7.* An Act for naturalizing such Foreign Protestants, and others therein mentioned, as are settled or shall settle, in any of his Majesty's Colonies in *America*.

13 *Geo. 2. c. 22.* An Act for the more effectually preventing fraudulent Qualifications of Persons to vote as Freeholders in the Election of Members to serve in Parliament for such Cities and Towns as are Counties of themselves in that Part of *Great Britain* called *England*.

15 *Geo. 2. c. 20.* An Act to exclude certain Officers from being Members of the House of Commons.

16 *Geo. 2. c. 11.* An Act to explain and amend the Laws touching the Election of Members to serve for the Commons in Parliament, for that Part of *Great Britain* called *Scotland*; and to restrain the Partiality, and regulate the Conduct of returning Officers at such Elections.

18 *Geo. 2. c. 18.* An Act to explain and amend the Laws touching the Elections of Knights of the Shire to serve in  
b 2 Parliament



Parliament for that Part of *Great Britain* called *England*.

19 *Geo. 2. c. 28.* An Act for the better regulating of Elections of Members to serve in Parliament for such Cities and Towns in that Part of *Great Britain* called *England*, as are Counties of themselves.

20 *Geo. 2. c. 44.* An Act to extend the Provisions of an Act made in the thirteenth Year of his present Majesty's Reign, intituled, "An Act for naturalizing such Foreign Protestants, and others therein mentioned, as are settled, or shall settle in any of his Majesty's Colonies in *America*, to other Foreign Protestants who conscientiously scruple the taking of an Oath.

22 *Geo. 2. c. 44.* An Act to enable such Officers, Mariners, and Soldiers, as have been in his Majesty's Service since his Accession to the Throne, to exercise Trades.

31 *Geo. 2. c. 14.* An Act for further explaining the Laws touching the Electors of Knights of the Shire to serve in Parliament for that Part of *Great Britain* called *England*.

33 *Geo. 2. c. 20* An Act to enforce and render more effectual the Laws relating to the Qualification of Members to sit the House of Commons.

2 Geo. 3. c. 25. An Act for naturalizing such Foreign Protestants as have served, or shall serve for the Time therein mentioned, as Officers or Soldiers in his Majesty's Royal *American* Regiment, or as Engineers in *America*.

3 Geo. 3. c. 15. An Act to prevent occasional Freemen from voting at Elections of Members to serve in Parliament for Cities and Boroughs.

3 Geo. 3. c. 24. An Act to prevent fraudulent and occasional Votes in the Elections of Knights of the Shire, and of Members for Cities and Towns which are Counties of themselves, so far as relates to the Right of voting, by Virtue of an Annuity or Rent-Charge.

## ADVERTISEMENT.

THE Editor thinks it incumbent on him to inform the Public that they will find “ Lord *Lytleton*’s History of the Life of King *Henry* the Second,” “ *L. C. Baron Comyns*’s Digest of the Laws of *England* ;” “ Doctor *Blackstone*’s Commentaries on the Laws of *England* ;” “ *Whitelocke*’s Notes upon the King’s Writ for choosing Members of Parliament, by Doctor *Morton*,” largely quoted in this Work.



# E R R A T A.

Page	Line	for	read
2	in Notes	<i>Mor. Whitel. &amp;c.</i>	2 <i>Mor. Whitel. &amp;c.</i>
14	25	<i>dele</i> , " and of Bribery and Corruption"	
20	30	Cudody	Custody
200	15	<i>dele</i> " The Oaths for this last Head are to be found under Title <i>Bribery</i> ; the Rest are as follow, except for <i>London</i> and <i>Scotland</i> , which see," and insert " See Appendix."	

# ANNALS

1847	1848	1849	1850	1851	1852	1853	1854	1855	1856	1857	1858	1859	1860	1861	1862	1863	1864	1865	1866	1867	1868	1869	1870	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880	1881	1882	1883	1884	1885	1886	1887	1888	1889	1890	1891	1892	1893	1894	1895	1896	1897	1898	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	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# L A W S, &c.

**T**HE Commons make the third Estate of Parliament, and consist of Knights of Shires, Citizens and Burgeses; and all ought to be elected by Writ, *ex Debito Justitiæ*; and they represent all the Commons of the Reälm, 4 *Inst.* 1.

The \* Beginning of their Attendance in Parliament seems to have been since the fortieth Year of *Hen.* 3. and the first Writ for their Election, 49 *Hen.* 3. *Cot. abr. Præf.* 11, 12, 13. *b.*

In the Election of Knights, Citizens and Burgeses to serve in Parliament consists the Exercise of the democratical Part of our Constitution: for in a Democracy there can be no Exercise of Sovereignty but by Suffrage, which is the Declaration of the People's Will. In all Democracies there-

\* One great Point, which a modern noble Historian, and the most able by far that *England* ever produced, hath demonstrated that the Origin of the House of Commons, particularly the Right of the Boroughs to send Members to Parliament, is of a much earlier Date than 49 *Hen.* 3. the Period assigned by most other Historians: He asserts and proves, that this Right, and the Exercise of it, is as ancient as the first Introduction of the *Anglo Saxon* Government into this Island: that it was brought over by the *Saxons*, from *Germany*, where it had been enjoyed by that free People from Time immemorial; and that it prevailed in *England*, during all the Reigns of the *Saxon* Kings, and was never abolished even under those of the *Normans*. See Lord *Lyttleton's* History of the Life of *Hen.* 2. Vol. 2. p. 273 to 286. Vol. 3. p. 62 to 114.

fore it is of the utmost Importance to regulate by whom, and in what Manner, the Suffrages \* are to be given. In *England*, where the People do not debate in a collective Body, but by Representation; the Exercise of this Sovereignty consists in the Choice of Representatives. The Laws † have therefore very strictly guarded against Usurpation or Abuse of this Power, by many salutary Provisions, which may be reduced to these three Points.

1. *The Qualifications of the Electors.*
2. *The Qualifications of the Elected.*
3. *The Manner of and Proceedings at Elections.*

These we shall consider as they affect,

I. ENGLAND ; II. SCOTLAND ; III. WALES.

## I. ENGLAND.

Previous to our general Inquiry, we will mention the few Particulars concerning

1. *Chester* ; 2. *Durham*.

### 1. *Chester*.

By Stat. 34 & 35 *Hen. 8. c. 13. sect. 1.* “ The County Palatine of *Chester*, shall have two Knights, and likewise two Citizens to be Burgessees for the City of *Chester*, to be chosen by Process, to be awarded by the Chancellor of *England*, unto the Chamberlain of *Chester*, his Lieutenant or Deputy ;

\* The *Athenians* were so justly jealous of this Prerogative, that a Stranger who interfered in the Assemblies of the People, was punished by their Laws with Death ; because such a Man was esteemed guilty of High Treason, by usurping those Rights of Sovereignty, to which he had no Title. *Black. Com.* 165.

† *Mr. Whitel. on Govern. chap. 77. fol. 97, 98.*

and

and like Process to be made by the Chamberlain, &c. to the Sheriff of *Chester*; the Election to be made under like Form as is used within the County Palatine of *Lancaster*, or any other County and City where shall be Knights and Burgessees of Parliament." See Stat. 18 Geo. 2. c. 18. *sect.* 12.

By Stat. 10 Ann c. 23. *sect.* 7. "The Sheriff of the County Palatine of *Chester*, against every Election of Knights of the Shire, shall cause seven Tables, and no more, to be made at the Costs of the Candidates, within the Shire Hall of the County, for taking the Poll, *viz.* Two at the upper End, Two at each Side, and One at the lower End of the Hall."

## 2. *Durham.*

By Stat. 25 Car. 2. c. 9. "The County Palatine of *Durham* may have two Knights for the County, and the City of *Durham* two Citizens to be Burgessees for the same City, to serve in Parliament, to be elected by Writ awarded to the Lord Bishop of *Durham*, or his Chancellor of the County, and Precept thereupon by the Lord Bishop, or his temporal Chancellor, to the Sheriff; the Elections of the Knights to be made by the greater Number of Freeholders, as in other Counties, and the Election of Burgessees for the City of *Durham*, to be made by the major Part of the Mayor, Aldermen, and Freemen, which Knights and Burgessees shall be returned by the Sheriff, into the Chancery, upon the like Pains as the Sheriffs of any other County." See Stat. 18 Geo. 2. c. 18. *sect.* 12.

### 1. *The Qualifications of the Electors.*

The Reason of requiring any Qualification, with regard to Property, in Voters, is to exclude such Persons as are in so mean a Situation that they are



esteemed to have no Will of their own. If these Persons had Votes, they would be tempted to dispose of them under some undue Influence or other. This would give a great, an artful, or a wealthy Man, a larger Share in Elections than is consistent with general Liberty. If it were probable that every Man would give his Vote freely, and without Influence of any Kind, then, upon the true Theory and genuine Principles of Liberty, every Member of the Community, however poor, should have a Vote in electing those Delegates, to whose Charge is committed the Disposal of his Property, and his Life. But, since that can hardly be expected in Persons of indigent Fortunes, or such as are under the immediate Dominion of others, all popular Estates have been obliged to establish certain Qualifications; whereby some, who are suspected to have no Will of their own, are excluded from voting, in order to set other Individuals, whose Wills may be supposed independent, more thoroughly upon a Level with each other.

And this Constitution of Suffrages is framed upon a wiser Principle than either of the Methods of voting, by Centuries, or by Tribes, among the *Romans*. In the Method by Centuries, instituted by *Servius Tullius*, it was principally Property, and not Numbers that turned the Scale: In the Method by Tribes, gradually introduced by the Tribunes of the People, Numbers only were regarded, and Property entirely overlooked. Hence the Laws passed by the former Method had usually too great a tendency to aggrandize the Patricians or rich Nobles; and those by the latter had too much of a levelling Principle. Our Constitution steers between the two Extremes. Only such are entirely excluded, as can have no Will of their own: there is hardly a free Agent to be found, but what is entitled to a Vote in some Place or other in the Kingdom. Nor is comparative Wealth, or Property

erty entirely disregarded in Elections; for though the richest Man hath only one Vote at one Place, yet if his Property be at all diffused, he has probably a Right to vote at more Places than one, and therefore has many Representatives. This is the Spirit of our Constitution : not that I assert it is in fact quite so perfect as I have here endeavoured to describe it; for, if any Alteration might be wished or suggested in the present Frame of Parliaments, it should be in Favour of a more complete\* Representation of the People. *Black. Com.* 164, 165, 166.

As the Right and Qualifications of the Electors depend, for the most Part, on several Acts of Parliament, it will be necessary to point out those Statutes as the surest Rule to direct us in our Inquiries herein : These Qualifications are to be considered as they regard,

1. *Knights of the Shire in particular;*
2. *Citizens and Burgesses in particular;*
3. *As they regard both Knights of Shires, Citizens and Burgesses.*

1. *Knights of the Shire in particular.*

By Stat. 8 Hen. 6. c. 7. 10 Hen. 6. c. 2. " The Knights of the Shires shall be chosen by People

\* In many Cases, Multitudes are bound by Act of Parliament, who are not Parties to the Election of Knights, Citizens, and Burgesses; as all they who have no Freehold, or have Freehold in ancient Demesne; and all Women having Freehold or no Freehold, and Men within the Age of twenty one Years, &c. 4 *Inst.* 4, 5.

† The Knights of the Shires are the Representatives of the Landholders, or landed Interest of the Kingdom : their Electors must therefore have Estates in Lands or Tenements within the County represented : these Estates must be Freehold, that is for Term of Life at least; because beneficial Leases for long Terms

dwelling \* in the same Counties, whereof every one shall have free Land or Tenements to the Value of † forty Shillings by the Year. And such as have the greatest Number of them that may expend forty Shillings by the Year, shall be returned

of Years were not in use at the making of Stat. 8 Hen. 6. c. 7. or Stat. 10 Hen. 6. c. 2. and Copyholders were then little better than Villains absolutely dependant upon their Lord. *Black. Com.* 166.

\* Stat. 1 Hen. 5. c. 1. *sect.* 1. But this is entirely disregarded. *Black. Com.* 169.

† This Freehold must be of forty Shillings annual Value : because that Sum would then with proper Industry furnish all the Necessaries of Life, and render the Freeholder, if he pleased, an independant Man. For Bishop Fleetwood in his *Chronicon pretiosum*, written about sixty Years since, has fully proved forty Shillings in the Reign of Hen. 6. to have been equal to twelve Pounds *per Annum*, in the Reign of Queen Anne, and as the Value of Money is very considerably lowered since the Bishop wrote, it may be fairly concluded from this and other Circumstances, that what was equivalent to twelve in his Days, is equivalent to twenty Pounds at present. *Black. Com.* 167. The Freeholders of the County, who can dispend forty Shillings yearly, do give full and sufficient Power to the Knights elected by them to serve in Parliament for themselves, and for the Commonalty of the said County. To this some have objected ; why should the Freeholders who have forty Shillings *per Annum*, bind all the rest of the Inhabitants of the County, who are as much the Commonalty of the County as those Freeholders are ; and their Lives, Liberties and Estates as much subject to the Power and Acts of those Knights, as the Freeholders who choose them ; and therefore in Equity and Reason, all the rest of the Commons of the County, as well as the Freeholders of forty Shillings *per Annum*, ought to have their Votes in the Election, and empowering of these Knights of the Shire, who represent and act for them ? To this may be answered, before the Statute made in Hen. 6. time, which restrains the Electors to Freeholders of forty Shillings *per Annum*, all the Inhabitants, or at least all the Freeholders of the County, had Votes in the Election ; and they, according to Custom and Law, chose only two Persons to represent them in Parliament, and gave them full Power ; who, with the rest of the Members so empowered, made a Law reciting, “ that by Reason of the outrageous, and excessive Number of Electors, Manslaughters, Riots, Batteries, and Divisions did arise ; to prevent which it was enacted, that  
none



by the Sheriffs, by Indentures \* sealed betwixt the Sheriffs and the Choosers: And every Sheriff shall have Power to examine upon the Evangelists every Chooser, how much he may expend by the Year. And if any Sheriff return Knights, contrary to the said Ordinance, the Justices of Assizes shall have Power to inquire; and if by Inquest the same be found before the Justices, and the Sheriff be duly attainted, the Sheriff shall incur the Pain of One hundred Pounds, and also have Imprisonment by a Year, provided that he that may not expend forty Shillings by the Year, shall in no wise be Chooser of the Knights of Parliament; and in every Writ to choose Knights for the Parliament, Mention shall be made of the said Ordinances."

By Stat. 10 *Ann* c. 23. *sect.* 1. "Every Person who shall make any Conveyance in any fraudulent Manner, on purpose to qualify to give a Vote at the Elections of Knights of the Shire, see 18 *Geo.* 2. c. 18. *sect.* 5. 19 *Geo.* 2. c. 28. *sect.* 4.) or being privy to such Purposes, shall prepare the same; and every Person who by Colour thereof, shall give any Vote at any Election of Knights of a Shire, shall forfeit forty Pounds to any Person who shall sue for the same; to be recovered with Costs, in any of her Majesty's Courts at *Westminster*."

By *sect.* 2. "No Person shall † vote for any Knight of a Shire within *England*, in Right of Lands, without ‡ having been in the actual Posses-

sion none should be Electors, but such Freeholders as could expend forty Shillings *per Annum*." So this was by a Law, wherein their own Consent was involved; and hath so continued for two hundred and thirty Years. And it was dangerous to change settled Laws made for good Order, and to prevent Mischief.

2 *Mor. Whitel. on Govern. chap.* 77. *fol.* 90.

\* For the Form of these Indentures, see Appendix, N<sup>o</sup>. XVI.

† Or vote more than once. Stat. 18 *Geo.* 2. c. 18. *sect.* 5. 19 *Geo.* 2. c. 28. *sect.* 4. See *id.* *sect.* 13. and p. 8, 9.

‡ Stat. 18 *Geo.* 2. c. 18. *sect.* 5.

sion of them, or for which such Person shall have received the Rents or Profits, or be intitled to have received the same, to the Value of forty Shillings to his own Use for one Year, before such Election; unless such Lands came to such Persons within the Time aforesaid, by Descent, Marriage, Marriage Settlement, Devise, or Presentation to some Benefice in a Church, or by Promotion to some Office. And if any Person shall vote in such Election, contrary to the Meaning hereof, he shall forfeit \* forty Pounds, one Moiety to the Poor of the Parish or Parishes where the Lands lie, and the other Moiety to the Person who shall sue for the same in any of her Majesty's Courts at *Westminster*."

By Stat. 18 *Geo. 2. c. 18. sect. 3.* "No Person shall vote for the electing of a Knight of the Shire, to serve in Parliament in *England* and *Wales*, in Right of any Messuages, Lands, or Tenements, which have not been assessed towards some Aid granted to his Majesty by a † Land-Tax, twelve Kalendar Months next before such Election."

\* To any Candidate for whom such Vote shall not have been given, and who shall sue for the same, to be recovered by him, his Executors or Administrators, by Action of Debt, wherein no Essoign, &c. shall be allowed; and in every such Action the Proof shall lie on such Person against whom the same is brought, unless the Fact whereon such Action is grounded be the having polled more than once at the same Election, 18 *Geo. 2. c. 18. sect. 5.* The same Provision is made by Stat. 19 *Geo. 2. c. 28. sect. 4.* with respect to Persons voting for a Member for any City or Town, being a County of itself in *England*, as is hereby made with respect to Persons voting for Knights of a Shire. See 19 *Geo. 2. c. 28. sect. 13.*

† Provided that this Act shall not restrain any Person from voting in Right of any Rents, or any Chambers in the Inns of Courts, or Inns of Chancery, or any Messuages or Seats belonging to any Officers, by reason that the same have not been usually assessed to the Land-Tax; and that the acting Commissioners of the Land-Tax, or three of them, at their Meetings for the respective Divisions, shall sign and seal one other Duplicate of the Copies of the respective Assessments after all Appeals determined, and the same deliver to the Clerks

By *Seet. 5.* "No Person shall vote in any such Election, without having a Freehold Estate in the County for which he votes, of the yearly Value of forty Shillings, over and above all Rents and Charges \* payable out of the same."

By *Stat. 31 Geo. 2. c. 14. sect. 1.* "No Person who holds his Estate by Copy of Court Roll, shall be intitled thereby to vote at the Election of any Knight of the Shire in *England* and *Wales*. And if any Person vote in any such Election contrary to the Intent hereof, every such Vote shall be void; and every Person so voting shall forfeit to any Candidate for whom such vote shall not have been given, and who shall first sue for the same, fifty Pounds, to be recovered by him, his Executors and Administrators, with Costs, by Action of Debt, in any Court of Record at *Westminster*, wherein no Essoign, &c. shall be allowed; and in every such Action the Proof shall lie on the Person against whom such Action shall be brought."

By *Seet. 2.* "It shall be sufficient for the Plaintiff in any such Action of Debt, to set forth in the Declaration, that the Defendant is indebted to him in the Sum of fifty Pounds, and to alledge the Offence for which the Action is brought, and that the Defendant hath acted contrary to this Act; without mentioning the Writ of Summons to Par-

of the Peace for their respective Counties, to be kept amongst the Records of the Sessions, to which all Persons may resort and inspect the same, paying Sixpence, and the said Clerks of the Peace or their Deputies, shall give Copies of the said Duplicates to any Person requiring the same, paying after the Rate of Sixpence for every three hundred Words. 18 *Geo. 2. c. 18.*

*sect. 4.*

\* No public or parliamentary Tax, County, Church, or Parish Rate, or any other Tax, to be assessed upon any County, or Division, shall be deemed any Charge, payable out of any Freehold Estate, within the Meaning of this Act. 18 *Geo. 2.*

*c. 18. sect. 6.*

liament,



liament, or the Return thereof: And upon Trial the Plaintiff shall not be obliged to prove the Writ of Summons to Parliament, or the Return thereof, or any Warrant to the Sheriff grounded upon any such Writ of Summons."

By *Seet. 3.* " Provided, that every such Action be commenced within nine Kalendar Months, next after the Fact upon which the same is grounded."

By *Seet. 4.* " All the Statutes of Jeofails shall extend to all Proceedings in any such Actions."

By *Seet. 5.* " In Case the Plaintiff in such Action discontinue or be nonsuited, or Judgment be given against him, the Defendant shall recover treble Costs."

If a Man hath a Freehold in *ancient Demesne*, he may elect. 4 *Com. Dig.* 287. *quere*, and see *p. 5.*

No Peer hath a Right to vote at Elections. 4 *Com. Dig.* 288.

If a Man, who hath a Right to vote for two, gives a single Vote, he cannot afterwards give a second Vote for another; resolved in a Committee, but the Consideration of it postponed by the House. 4 *Com. Dig.* 288.

## 2. *The Qualifications of the Electors in Cities and Boroughs in particular.*

The Electors \* of Citizens and Burgeses, are supposed to be the mercantile Part, or trading Interest of this Kingdom. But as Trade is of a fluctuating Nature, and seldom long fixed in a Place, it was formerly left to the Crown to summon,

\* *Black. Com.* 168. By Stat. 23. Hen. 6. c. 14. *sect. 1.* Citizens are to be chosen by Citizens of the same Cities, and Burgeses by Burgeses of the same Boroughs. But this must be understood with a great Latitude of Construction; for in some Places, FREEDOM, in some FREEHOLDS, in some, INHABITANCY, &c. (and these greatly diversified) and in some, two or more of these, give a Right of Election; CHARTER or PRESCRIPTION may give the Right.

*pro Re nata*, the most flourishing Towns to send Representatives to Parliament. So that as Towns encreased in Trade, and grew populous, they were admitted to a Share in the Legislature. But the Misfortune is, that the deserted Boroughs continued to be summoned, as well as those to whom their Trade and Inhabitants were transferred; except a few which petitioned to be eased of the Expence, then usual, of maintaining their Members: Four Shilling a Day being allowed for a Knight of the Shire, and Two Shillings for a Citizen or Burgess; which was the Rate of Wages established in the Reign of *Edward III.* Hence the Members for Boroughs now bear above a quadruple Proportion to those for Counties; and the Number of Parliament Men is increased since *Fortescue's* Time, in the Reign of *Henry the Sixth*, from three Hundred to upwards of five Hundred, exclusive of those for *Scotland*. The Universities, were in general, not impowered to send Burgesses to Parliament; though once, in 28 *Edw. I.* when a Parliament was summoned to consider of the King's Right to *Scotland*; there were issued Writs, which required the University of *Oxford* to send up four or five, and that of *Cambridge* two or three, of their most discreet and learned Lawyers for that Purpose. But it was King *James the First*, who indulged them with a permanent Privilege to send constantly two of their own Body; to serve for those Students who, though useful Members of the Community, were neither concerned in the landed nor the trading interest; and to protect in the Legislature the Rights of the Republic of Letters. The Right and \* Qualification of Voters in Cities, Towns, and Boroughs, is various, depending intirely on the several Charters, Customs, and Constitutions of the respective Places, as have pre-

\* *Bac. Abr.* 572.

vailed in them Time immemorial, which has occasioned infinite Disputes; though now by Stat. 2 *Geo.* 2. c. 24. *sect.* 4. "Votes shall be deemed legal, which have been so declared by the last Determination in the House of Commons, which Determination concerning any City, Borough, or Place, shall be final to all Purposes." And further,

By Stat. 3 *Geo.* 3. c. 15. "No Person whatsoever claiming as a Freeman, to vote at any Election of Members to serve in Parliament for any City, Town, Port or Borough, in *England, Wales,* and the Town of *Berwick upon Tweed*, where such Voter's Right of Voting is as a Freeman only, shall be admitted to give his Vote at such Election, unless such Person shall have been admitted to the Freedom of such City, &c. twelve Kalendar Months before the first Day of such Election: And if any Person shall presume to give his Vote as a Freeman, at any Election of Members to serve in Parliament, contrary to the true Intent and Meaning of this Act; he shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to him, her, or them, who shall inform and sue for the same; and the Vote given by such Person, shall be void and of no Effect."

By *Seet.* 2. "Nothing herein contained shall extend, or be construed to extend to any Person intitled to his Freedom by Birth, Marriage, or Servitude, according to the Custom or Usage of such City, Town, Port or Borough."

By *Seet.* 3. "If any Mayor, Bailiff, Town Clerk, or other Officer of any Corporation, or other Person whatsoever, shall wilfully and fraudulently antedate, or cause to be antedated, any Admission of any Freeman, such Mayor, &c. shall for every such Offence, forfeit and pay the Sum of Five hundred Pounds to him, her, or them, who shall inform and sue for the same."

By



By *Seet. 4.* “ The Mayor, &c. of any Corporation, having the Custody of, or Power over the Records of the same, shall upon the Demand of any Candidate, or his Agent, or any two Freemen, on the Payment of one Shilling, permit such Candidate, Agent or Freeman, between the Hours of Nine in the Morning, and Three in the Afternoon, at any Time before, and within one Month after any such Election as aforesaid, to inspect the Books and Papers wherein the Admission of Freemen shall be entered; and to have Copies or Minutes of the Admission of so many Freemen as such Candidate, Agent or Freeman shall think fit, upon payment to such Mayor, &c. a reasonable Charge for writing the same; and such Books and Papers shall, if demanded by such Candidate, &c. be produced by such Mayor, &c. at every Election, and be referred to, in Case any Dispute shall arise touching the Right of any Person to give his Vote thereat: And if such Mayor, &c. shall refuse, or deny such Candidate, &c. the Inspection of such Books and Papers, or to have Copies or Minutes thereof, or shall refuse or neglect to produce such Books and Papers at any Election, if demanded, and paid for, in the Manner herein before set forth; such Mayor, &c. shall for every such Offence forfeit and pay the Sum of One hundred Pounds to him, her, or them, who shall inform and sue for the same.”

By *Seet. 5.* “ All Forfeitures or Penalties laid or imposed by this Act, shall be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*; wherein no Essoign, &c. shall be allowed.”

By *Seet. 6.* “ No Person shall be liable to any Forfeiture, or Penalty, by this Act laid or imposed, unless Prosecution be commenced within one Year after such Forfeiture or Penalty shall be incurred.”

By

By *Señt.* 7. "The Returning Officer shall read, or cause to be read openly, this Act, at the Time of Election of Members to serve in Parliament of Cities, Towns, Ports or Boroughs, where the Right of Election is in the Whole, or in Part, in Freeman as aforesaid, immediately after the reading of the Act passed in the second Year of his late Majesty's Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament.*"

By *Señt.* 8. "Nothing in this Act shall extend, or be construed to extend to the Cities of *London* or *Norwich.*"

By Common Right, in all Boroughs, the Election ought to be by all the Burgesſes, where there is no Prescription, or constant Usage Time out of Mind, &c. to the contrary. 4 *Com. Dig.* 288. and therefore, if the King grant to a Borough by Charter that a select Number shall elect, this does not take away the Right of the other Burgesſes: so a By-law by the Corporation itself, that a select Number shall elect, does not avail, 4 *Inst.* 48.

3. *The Qualifications that regard both Knights of Shires, Citizens, and Burgesſes, and herein of the Freedom of Election, and of Bribery and Corruption.*

In a Borough which hath no Charter, or Burgesſes, nor any Custom for it, the Election shall be by all the Houſholders, and not by Freeholders only. 4 *Com. Dig.* 288. But by original Grant or Custom, an Election may be by a select Number, 4 *Inst.* 49. so, by Custom or Prescription, it may be by Burgage Tenants. 4 *Com. Dig.* 288.

As the chief \* Excellency of our Constitution, consists in our being † bound only by such Laws

\* *Bac. Abr.* 572.

† Is one of the greatest Privileges which a *British* Subject has, and therefore if he be hindered from voting, an Action on the Case will lie at Common Law. *Salk.* 20. 6 *Mod.*

to which we ourselves consent; and as such Consent cannot be given by every Individual in Person, but must be by Representation, it is therefore \* essential to the very Being of Parliament, that Elections should be absolutely † free and indifferent, and that every Person claiming a Right to vote, be duly qualified, free from Corruption, or any undue Influence whatsoever. Nothing ‖ more requires Freedom and Indifference, than this of Members to serve for us in Parliament; who have put into their Hands the Power of our Estates, of our Liberties, of our Lives; and therefore it is but Reason, that those who are so much concerned in the Determination of the Persons who shall be elected, may have a free and indifferent Choice of them.

For these Reasons, all undue Influences upon the Electors are illegal, and strongly prohibited. Mr. § *Locke* ranks it among those Breaches of Trust in the executive Magistrate, which, according to his Notions, amount to a Dissolution of Government, “ if he employs the Force, Treasure, and Offices of the Society to corrupt the Representatives, or openly to pre-engage the Electors, or prescribe what Manner of Persons shall be chosen. For thus to regulate Candidates and Electors, and new model the Ways of Election, what is it, says he, but to cut up the Government by the Roots, and poison the very Fountain of public Se-

45. 2 *R. Raym.* 938. 2 *Burn. Hist. O. T.* 367. (See *Ld. Ch. J. Holt's* Arg. on this Subject, in his *Life*, 74, &c.) and accordingly adjudged in the House of Lords.

\* *Black. Com.* 172.

† By the Common Law, all Elections ought to be free; and by several Statutes it is declared, that Elections of Members of Parliament ought to be free, particularly by 1 *W. & M. Sess.* 2. c. 2. *Bac. Abr.* 573. & 2 *W. & M. c.* 7. 4 *Com. Dig.* 290.

‖ *Mor. Whitel. on Govern. chap.* 42. *fol.* 38;.

§ *On Govern. part.* 2. *sect.* 222.



curity?" *Black. Com.* 172. For these Purposes therefore,

By Stat. 8 *Geo.* 2. c. 30. *sect.* 1. "As often as any Election of any Member to serve in Parliament, shall be appointed to be made, the Secretary at War, or such Person, who shall officiate in the Place of Secretary at War, shall, before the Day appointed for such Election, send Orders in Writing for the Removal of every Regiment, Troop or Company, or other Number of Soldiers quartered in any City, Borough, Town, or Place, where such Election shall be to be made, one Day at least before the Day appointed for such Election, to the Distance of two Miles from such City, &c. and not to make any approach until one Day after the Poll shall be ended."

By *Seet.* 2. "In case the Secretary at War, or such Person who shall officiate in the Place of Secretary at War, shall neglect to send such Orders, and shall be thereof convicted upon any Indictment to be preferred at the next Assizes or Sessions of *Oyer and Terminer*, for the County where such Offence shall be committed, or on an Information to be exhibited in the Court of *King's Bench*, within six Months after such Offence, such Secretary at War, &c. shall be discharged from their Offices, and shall be disabled to hold any Office or Employment in his Majesty's Service."

By *Seet.* 3. "Nothing in this Act shall extend to the City of *Westminster*, or the Borough of *Southwark*, in respect of the Guards of his Majesty; nor to any Place where his Majesty, or any of his Royal Family, shall reside, at the Time of such Election, in respect of such Troops only as shall be attendant as Guards to his Majesty, or to such other of the Royal Family as aforesaid; nor to any Castle or fortified Place, where any Garrison is usually kept, in respect of such Garrison."

By

By *Seet. 4.* " Nothing in this Act shall extend to any Officer or Soldier, who shall have a Right to vote at such Election."

By *Seet. 5.* " The Secretary at War, &c. shall not be liable to any Forfeiture for not sending such Order upon any Election on a Vacancy, unless Notice of the making out any new Writ shall be given to him by the Clerk of the Crown; which Notice he is required to give with all convenient Speed."

Riots have been frequently determined to make an Election void. *Black. Com. 172.* By Vote also of the House of Commons, to whom alone belongs the Power of determining contested Elections, no Lord of Parliament or Lord Lieutenant of a County, hath any Right to interfere in the Election of the Commoners. These Resolutions were made *Nem. Con. 14 Dec. 1699. 13 Feb. 1700. 24 Oct. 1702. 4 Com. Dig. 288.*

By *Stat. 2 Wil. & Mar. Stat. 1. c. 7. sect. 1.* " Whereas the Lord Wardens of the *cinque Ports*, have claimed, as of Right, a Power of nominating to each of the *cinque Ports*, the two ancient Towns and their Members, one Person whom they ought to elect as a Baron or Member of Parliament, contrary to the ancient Usage and Freedom of Elections."

By *Seet. 2.* " It is declared that all such Nominations are contrary to Law and void."

By *Stat. 5 & 6 Wil. & Mar. c. 20. sect. 48.* " No Collector, Supervisor, Gauger or other Person employed in the collecting or managing the Duties of Excise, shall by Word, Message, or Writing, or in any other Manner, endeavour to persuade any Elector to give, or dissuade any Elector from giving his Vote for the Choice of any Knight, Citizen, Burgess, or Baron, to serve in Parliament, and every Person offending herein shall forfeit One Hundred Pounds, one Moiety to the  
C Informer,

Informer, and the other Moiety to the Poor of the Parish, to be recovered by any Person who shall sue for the same in any of his Majesty's Courts at *Westminster*; and every Person convicted on any such Suit shall become disabled of bearing any Office relating to the Duty of Excise, or any other Place of Trust under their Majesties."

By Stat. 12 & 13 *W. 3. c. 10. sect. 91.* "No Commissioner, Collector or other Person, concerned in collecting or managing the Customs, shall by word, Message, Writing, or in other Manner, endeavour to persuade any Elector to give, or dissuade him from giving, his Vote for the Choice of any Knight of the Shire, Citizen or Burgess; and every Person offending therein shall forfeit one Hundred Pounds, one Moiety to the Informer, the other to the Poor of the Parish, to be recovered in any of his Majesty's Courts at *Westminster*; and every Person convicted on such Suit shall become disabled of ever bearing any Office relating to the Customs, or any other Place of Trust under his Majesty."

By Stat. 10 *Ann. c. 19. sect. 182.* "No Commissioner, Officer, or other Person concerned in the collecting or managing any of the Duties granted by this Act, (*viz.* Duties on Soap and Paper, printed Silk, &c. certain Stamp-duties, and additional Hackney-coaches,) shall, by Word, Message or Writing, or in other Manner, endeavour to persuade any Elector to give, or dissuade him from giving, his Vote for Choice of any Knight of the Shire, Citizen, Burgess, or Baron; for any County, &c. and every Person offending therein, shall forfeit one Hundred Pounds, one Moiety to the Informer, the other Moiety to the Poor of the Parish, to be recovered by any Person who shall sue for the same in her Majesty's Courts at *Westminster*; and every Person convicted



on such Suit shall become disabled of ever beating any Office or Place of Trust under her Majesty."

Thus are the Electors of one Branch of the Legislature secured from any undue Influence from either of the other two, and from all external Violence and Compulsion. *Black Com.* 172.

The following Statutes extend to all Sorts of Members, as well for Boroughs as Counties. *Black Com.* 167.

By Stat. 7 & 8 *Will.* 3. c. 25. *sect.* 7. "No Person shall have any Vote in electing Members, for any Trust, Estate, or Mortgage, unless such Trustee or Mortgagee being in actual Possession or Receipt of the Rents; but the Mortgagor, or *cestuique Trust*, in Possession, may vote for the Estate. And all \* Conveyances of any Hereditaments, in order to multiply Voices, or to split the Interest in any Houses or Lands among several Persons; to enable them to vote at Elections of Members, are declared to be void, and no more than one Voice shall be admitted for one House or Tenement."

By *sect.* 8. "No Person under the Age of twenty-one Years, shall be admitted to give his Vote for Election of any Member."

By Stat. 2 *Geo.* 2. c. 24. *sect.* 6. "No Person convicted of wilful and corrupt Perjury, or Subornation of Perjury; shall be capable of voting in any Election of a Member to serve in Parliament."

By Stat. 3 *Geo.* 3. c. 24. *sect.* 1: "No Person shall vote for any Knight of a Shire, Citizen, or Burgess for *England*, in respect of any Annuity or Rent-charge issued out of Freehold Lands or Te-

\* All Conveyances to qualify Persons for voting shall be against those who executed the same free and absolute; and all Securities or Agreements for redeeming or defeating such Estates, or for the Reconveyance thereof, shall be void. Stat. 10 *Ann.* c. 23. *sect.* 1.

nements, and granted before the first Day of *June*, 1763, unless a \* Certificate, upon Oath, shall have been entered twelve Kalendar Months at least, before the first Day of Election, with the Clerk of the Peace for the County, Riding, or Division, or with the Clerk of the Peace, Town-clerk, or other public Officer, having the Custody of the Records within any City or Town, having the Custody of Records therein."

By *Sett.* 2. " No Person shall vote for any Knight of a Shire, Citizen, or Burgeſs, for *England*, in respect of any Annuity or Rent-charge issuing out of Freehold Lands, Tenements, or Hereditaments, which shall come to such Person by Descent, Marriage, Marriage-settlement, Devise, or Presentation to a Benefice in Church, or Promotion to an Office, within twelve Kalendar Months next before such Election respectively, unless a † Certificate upon Oath, or Affirmation, if a Quaker, shall have been entered with the Clerk of the Peace, Town-clerk, or other Officer as aforesaid, before the first Day of such Election."

By *Sett.* 3. " No Person shall vote for a Knight of the Shire, Citizen, or Burgeſs, within *England*, in respect of any Annuity or Rent-charge to be granted after the said first Day of *June*, 1763, unless a Memorial of the Grant of such Annuity or Rent-charge shall have been registered with the Clerk of the Peace, Town-clerk, or other public Officer, having the Custody of the Records, where the Lands, &c. out of which Annuity or Rent-charge issues, shall be, twelve Kalendar Months at least before the first Day of such Election, which Memorial shall be wrote on Parchment, and directed to such Clerk of the Peace, Town-clerk or other public Officer, and shall be under the Hand

\* See Appendix, N<sup>o</sup>. XXVIII.

† Ibid. XXIX.

and Seal of the Grantor or Grantors; and attested by two Witnesses, one whereof to be one of the Witnesses to the Execution of such Grant; which Witness shall upon Oath before such Clerk of the Peace, &c. as aforesaid, or their Deputies, prove the sealing and delivering of such Grant, and the signing and sealing of such Memorial; which Memorial shall contain the Day and Year of the Date, and the Names, Additions, and Abodes, of the Parties and Witnesses, and all the Lands and Tenements out of which the Annuity or Rent-charge issues, and the Parish, Township or Place, &c. where such Lands and Tenements lie; and that every such Grant, of which such Memorial, is so to be registered, shall, at the Time of entering such Memorial, be produced to such Clerk of the Peace, &c. as aforesaid, or their Deputies who shall thereon indorse a Certificate, in which shall be mentioned the Day and Year on which such Memorial shall be so entered.

By *Seet. 4.* “ No Person shall vote at any Election of a Knight of the Shire, Citizen or Burgess, in *England*, by reason of an Assignment of any Annuity or Rent-charge, or any Part or Parts thereof, made before the said first Day of *June*, 1763, unless a Certificate of such Assignment upon Oath, to the Purport herein mentioned, with respect to an original Annuity or Rent-charge, shall have been entered with such Clerk of the Peace, &c. as aforesaid, twelve Kalendar Months at least before the first Day of such Election; and that no Person shall vote at any such Election as aforesaid, by reason of an Assignment of any Annuity or Rent-charge, or any Part or Parts thereof, made after the first Day of *June*, 1763, unless a Memorial of such Assignment, and also a Memorial of the Grant of such Annuity or Rent-charge of which such shall be made, shall have been attested and regist-



ered twelve Kalendar Months at least before the first Day of such Election, in the same Manner as is hereinbefore directed with respect to the Memorial of an original Grant of an Annuity or Rent-charge."

By *sect. 5.* "The Clerk of the Peace, Town-clerk, or other Officer as aforesaid, shall keep a Book or Books for entering of every such Certificate or Memorial, and shall be allowed for the Entry of every such Certificate the Sum of one Shilling, and of every such Memorial Two Shillings, and no more, and for every Search for any Certificate or Memorial one Shilling and no more; and any Person or Persons may, at all seasonable Times, resort to and inspect the Certificates Memorials and Books of Entries thereof: And such Clerk of the Peace, &c. or other Officer as aforesaid, or their Deputies, is hereby directed and required forthwith to give a Copy of any Certificate, or Memorial, to any Person or Persons who shall who shall desire the same, paying for such Copy, if it contains not more than two hundred Words, the Sum of Six-pence; and so in proportion for any greater Number of Words: and such Clerk of the Peace, &c. or other Officer as aforesaid, or his or their Deputies, is hereby impowered to administer an Oath in all Cases where an Oath is required by this Act; and true Copies of the aforesaid Certificates and Memorials, attested by such respective Clerks of the Peace, &c. or other Officer as aforesaid, or their Deputies, shall at all Times be allowed and admitted as legal Evidence in all Cases whatsoever."

By *Sect. 6.* "A Memorial of such Grant or Assignment as shall be made and executed in any Place not within Forty Miles of the Office of the respective Clerk of the Peace, Town-clerk, or other Officer as aforesaid, shall be entered and registered,

gistered by such Clerk of the Peace, or his Deputies, in case an Affidavit sworn, or Affirmation as a Quaker, before one of the Judges at *Westminster*, or a Master in Chancery, ordinary or extraordinary, be brought with the said Memorial to the said Clerk of the Peace, &c. as aforesaid, wherein one of the Witnesses to the Execution of such Grant or Assignment shall swear that he or she saw the same executed; and the same shall be a sufficient Authority to the Clerk of the Peace or his Deputy, to give the Party that brings such Memorial a Certificate of the registering such Memorial; which Certificate, signed by the said Clerk of the Peace or his Deputies, shall be taken and allowed as Evidence of the Registry of the same Memorial in all Courts of Record whatsoever; any Thing herein contained to the contrary notwithstanding."

By *Seet. 7.* "The Clerk of the Peace, Town Clerk, or other Officer, as aforesaid, shall, upon reasonable Notice, attend at any Election with the Book or Books of Entries of every Certificate and Memorial, at the Request of any Candidate, making him reasonable Satisfaction for such Attendance."

By *Seet. 8.* "If any Clerk of the Peace, Town-clerk, or other Officer as aforesaid, shall be guilty of any wilful Neglect, Misdemeanor, or fraudulent Practice, contrary to the true Intent and Meaning of this Act; every such Clerk of the Peace, shall for every such Offence, forfeit one Hundred Pounds to the Person who shall sue for the same, by Action of Debt, Bill, Plaint or Information, in any of his Majesty's Courts of Record at *Westminster*, whereon no Essoign, Protection, Wager of Law, or more than one Imparance shall be allowed."

By *Seet. 9.* "No Person shall be liable to any Forfeiture or Penalty by this Act laid or imposed,



unless Prosecution be commenced within twelve Months after such Forfeiture or Penalty shall be incurred."

## 2. The Qualifications of the elected.

1. *Of Knights of the Shire in particular.*
2. *Of Citizens & Burgeſſes in particular.*
3. *Of both Knights of Shires, Citizens & Burgeſſes.*

### 1. *Knights of the Shire.*

By Stat. 1 Hen. 5. c. 1. ſect. 1. "The Knights of Shires ſhall not be choſen, unleſs they be reſident \* within the Shire the Day of the Date of the Writ of Summons, and Knights returned contrary hereto ſhall looſe their Wages. 8 Hen. 6. c. 7. ſect. 1."

In the Debates of the Houſe of Commons on theſe Statutes, in the Year 1620, it was argued that though they did direct the Sheriff, that ſuch one be choſen, as was reſident, yet did they not make void the Election made duly otherwiſe; that the Intent and Meaning of the Law concerning Reſidency was, that the Party elected ſhould have Freehold; that there was no negative Word in the Statute to make void an Election of one who was not reſident.

Sir *Edward Coke* ſaid, there were Matters of Direction and Concluſion in the Statutes, that Non-reſidency was but a Matter of Direction.

That there was in 6 Hen. 4. a Parliament called *Parliamentum Indoctorum*, wherein there were no Burgeſſes, but ſuch as lived in the Towns, and no Knights of Shires, but ſuch as lived in the Coun-

\* But this is intirely diſregarded. *Black. Com.* 169.

ties, and amongst them neither Lawyer nor learned Men.

That if either Burgeses or Knight of the County be non-resident, he could recover no Charges or Wages of the Borough or County for which he served, as otherwise by Law he might. *Debates of the Commons; Oxf. edit. 1761. p. 63.*

By Stat. 23 Hen. 6. c. 14. sect. 3. Knights of Shires shall be notable Knights of the Counties, or such notable Esquires and Gentlemen of \* Birth of the same Counties, as shall be able to be Knights; and no Man to be a Knight, who standeth in the Degree of a Yeoman."

## 2. Citizens & Burgeses.

By Stat. 1 Hen. 5. c. 1. "The Citizens and Burgeses of Cities and Boroughs, shall be chosen Men, † resiant and free in the same Cities and Boroughs, and none others."

## 3. Knights of the Shire, & Citizens & Burgeses.

What follows seems to relate to the Qualifications of Members for Counties, as well as for Cities and Boroughs.

A Knight ‡ Baneret, or any other under the Degree of a Baron, may be elected, 4 Inst. 46, 47. Bac. Abr. 576.

\* Doctor Ruffhead's Edition.

† Whitel. on Gov. c. 102. fol. 370. Crompt. Jurisdic. 3. but this is intirely disregarded. Black. Com. 169. and it seems to be obsolete, and rendered less necessary, by Stat. 9 An. c. 5. which see.

‡ A modern Authority says, that a Knight Banneret can be of neither House of Parliament; for no one under the Degree of an English Baron, can be of the higher House; and a Knight Baronet is too high to serve in the lower House, as a Knight of the Shire, or a Burgeses of a Town. *Debates in the Commons, Oxf. edit. 1766. p. 26.*

One under the Age of twenty-one Years is not \* eligible. *Black. Com.* 169. *Bac. Abr.* 576. 4 *Inst.* 47. *stat.* 7 & 8 *W.* 3. c. 25. *sect.* 8.

None of the † Judges of the *King's Bench*, *Common Pleas*, or Barons ‡ of the *Exchequer*, who have judicial || Places can be chosen. *Bac. abr.* 576. 2 *Mor. Whitel. on Govern. chap.* 102. *fol.* 370.

None of the Clergy § can be elected, for they sit in the Convocation. *Bac. Abr.* 576. *Black. Com.* 169. *Mo.* 783.

A Person attainted of \*\* Treason or Felony, is not eligible. 2 *Mor Whitel. on Govern. chap.* 102. *fol.* 370. for he ought, according to the Writ, to be *magis idoneus & sufficiens*. *Bac. Abr.* 576. Such a Person is unfit to sit any where. 4 *Inst.* 47.

Persons outlawed after Judgment, or before, in a civil Action, *Ander.* 293. nor Persons taken in Execution upon a Judgment, can be elected to Parliament, *Mo.* 57.

Nor can an Alien, or, if he be elected, shall not †† sit, though made a denizen; but a Man when ‡‡ naturalized may. 4 *Inst.* 17. *stat.* 11 & 12. *W.* 3. c. 2. *sect.* 3.

\* Neither can any Lord of Parliament sit in the House of Peers, until he be of the full Age of twenty-one Years. *Bac. Abr.* 576.

† Because they sit in the Lords House. *Black. Com.* 169. 2 *Mor. Whitel. on Govern. chap.* 102. *fol.* 370.

‡ Yet *Thorp*, a Baron of the *Exchequer*, was Speaker to the Commons. 31 *Hen.* 6. 4. *Com. Dig.* 285.

|| But any who have judicial Places in the Court of Wards, Court of Dutchy, or other Courts ecclesiastical, or civil, are eligible. *Bac. Abr.* 576.

§ Though they be of the inferior Order. 4 *Com. Dig.* 285.

\*\* *Temp. Hen.* 7. "Persons outlawed for Treason could not come into Parliament, till their Attainders were reversed. 4 *Com. Dig.* 285." Lord *Bac. Hist. Hen.* 7. p. 13.

†† For to have a Power of making Laws, it is necessary that he should be totally received into Society, which he cannot be without the Consent of Parliament. *Bac. Abr.* 576.

‡‡ By *Stat.* 1 *Geo.* 2. c. 4. *sect.* 1. "The Clause in the Act of 12 *W.* 3. c. 2. whereby it is enacted, that no Person born



# Sheriffs † of Counties, and Mayors, and Bailiffs

born out of the Kingdom, though he be naturalized, except such as are born of *English* Parents, shall be capable to be a Member of either House of Parliament; shall not extend to disable any Person who at, or before his late Majesty King *George* the Second's Accession to the Crown, was naturalized; but by *sect. 2.* of the same Act, no Person shall be naturalized, unless in the Bill exhibited for that Purpose, there be a Clause to declare, that such Person shall not be enabled to be a Member of either House of Parliament. See Stat. 13 *Geo. 2. c. 7. sect. 6.* 20 *Geo. 2. c. 44. sect. 5.* 22 *Geo. 2. c. 45. sect. 10.* 2 *Geo. 3. c. 25. sect. 3.*

† In the Parliament 2 *Char. 1.* the Case of Sir *Edward Coke*, was much debated in the House; who being Sheriff for *Bucks*, was chosen one of the Knights for *Norfolk*; and whether, by this Clause of *Nolumus* in the Writ, he were incapable of sitting as a Member of the House of Commons, was the Question; and much debated, both at the Committee, and in the House, with Difference of Opinion; yet Sir *Edward Coke, de Facto*, did sit in that Parliament. Upon Search of the Records it appeared, that there was not any Mention of this Clause of *Nolumus*, in the Writ, until 13 *Edw. 3.* when a great Aid was required, by Reason of War with *France*. The Commons prayed, that Writs be sent, that the "Worthiest of Knights be chosen; and that Sheriffs be left out." 2 *Mor. Whitel. on Govern. chap. 99. fol. 357.* The Commons upon the afore said Aid being demanded, were careful that the best Men should be chosen Knights of Shires, who might not be too forward to grant greater Aids than were necessary; and therefore, petitioned that Sheriffs might not be chosen: Besides this, there seems to have been a Disgust both of the Commons and of the great Men, against Sheriffs, who, as Ministers, execute the Process of Law upon them, who before 46 *Edw. 3.* had been usually admitted to be Members of the Parliament. 2 *Mor. Whitel. chap. 100. fol. 360.* Two Things are objected, principally, against the Election of a Sheriff to be a Knight of the Shire; 1. The Ordinance 46 *Edw. 3.* 2. The *Nolumus* in the Writ. For the Ordinance, it was objected to be a binding Law; as the Course was, in those Times; and, agreeable to the Law of *England*, by which the Sheriff is a Conservator of the Peace; and by whom many things are to be done, which cannot be done by Deputy. And the Office of a Sheriff, and of a Knight of the Shire, together are incompatible. For a Sheriff ought to reside in his County, whereof he hath the custody, and ought to be constantly present to conserve the Peace of it, and to resist and suppress any Invasion, or Insurrection;  
and

of Boroughs, are not eligible in their respective

and a Parliament-Man ought to attend in Parliament. But a Sheriff, being a Knight of the Shire, cannot be present in both Places; nor execute both Duties. A Sheriff is also a Judge, his Power is judicial; and in such Matters he cannot execute his Office by Deputy, nor supply both these Employments. Therefore the Ordinance, forbidding his Election, is according to Law. That Sir *Edward Coke* himself made Ordinances equal with Acts of Parliament; and that it is a Question, whether all Acts were not so, at that Time? To this it was answered, that clearly there was a Difference between an Ordinance, and an Act of Parliament; and this Difference appears, in that an Ordinance was enacted, from thenceforth, to be an Act of Parliament. If this Ordinance had the Force of a Law, it was to no Purpose to have any of the Commons in Parliament; for this Ordinance being made without them, as appears by the Roll, if it were nevertheless a binding Law, there would be no Use of the Commons in Parliament. About the Time of this Ordinance, which, if it had been a binding Law, how came it then to pass that Lawyers, as well as Sheriffs, have not been ever since excluded the Parliament; and comprehended, as well as Sheriffs, in the *Nolumus*? which they have not been, nor the Sheriffs themselves, in some times. But this point was left as a clear Truth: That neither this nor any other Ordinance, is the same Thing with an Act of Parliament, or hath the same Force of Law in it. As to the Sheriff's residing in his County, the King doth usually dispense therewith: And the Election of him, to be a Knight of the Shire, takes him off from that Residence; and, by the old Law, ties him to an Attendance upon the Parliament. Nor is his judicial Office of a Sheriff, any more Hinderance to his Service in Parliament, than the Office of a Justice of Peace is, or of the Judges at *Westminster*. 2. The second Objection upon the *Nolumus* was enforced, as being a Clause and Words of Substance, not of Form; and constantly used, and observed since 46 *Edw.* 3. that Things long settled are not to be stirred. That there are divers Precedents where Sheriffs, being elected Parliament-Men, have been refused to be admitted, and new elections ordered; as Sir *Andrew Noel's* Case, and Sir *George Selby's* Case; the Case of Mayors of Towns, and others. To this was answered, that Sir *Andrew Noel* was chosen for the same County, whereof he was Sheriff; and Sir *George Selby* was Sheriff of Inheritance in another County. That as some Sheriffs have been excluded, so others have been admitted; and this Ordinance being no Act of Parliament, the *Nolumus*, in pursuance of it doth not bind as a Law, and the longer it hath



Jurisdictions, as being Returning Officers. *Hale of Parl.* 114. 4 *Inst.* 48. *contra* as to Mayors.

A Mayor's making himself a Burgess of Parliament, and sitting as such is contrary to an express Order made the last Parliament, on a long and full Debate, that no Mayor of any Town should serve as a Member of any Town, because, by his Absence, the Government of the Town could not be so well provided and kept; and also for that it lieth often in the Power of a Mayor, by a Faction, (whilst he is in such Authority) to make himself a Burgess of Parliament without the free Election of the Commons, which is contrary to the Liberty of every Freeman of any Corporation. *Debates of the Commons; Oxf. edit.* 1766. p. 213.

A Man of the Law following Business in the King's Court, shall \* not be elected for Counties.

The King's Attorney-general shall never serve, although he be returned Knight of any Shire, or Burgess of any Town. *Debates of the Commons; Oxf. edit.* 1766. p. 26.

All under the Degree of a Peer may be elected. 4 *Inst.* 47. As the Heir Apparent of a Peer. 4 *Inst.* 48. *Bro. Abr. Tit. Parl. contra.*

Sir Edward Coke said, that those who were employed abroad, as Ambassadors, &c. were without Question eligible, though absent when they were chosen; for *Absentia ejus, qui Reipublicæ Causâ abest,*

hath continued, the more injury hath been done to the Rights of the People, and to the Privilege of Parliament; which cannot be bound, but by a Law to which themselves consent; and that was not had, either to this Ordinance, or to the *Nolumus*. 2 *Mor. Whitel. on Govern. chap.* 105. fol. 367. See *Debates of the Commons, Oxf. edit.* 1766. p. 213. A Sheriff of one County, may be elected in another. 4 *Com. Dig.* 287. 4 *Inst.* 48.

\* *Cot. abr. Pref.* 7. But Lord Coke says, that every one professing or practising the Common Law, though there was an Ordinance of the Peers in Parliament 46 *Edw.* 3. *contra*, may be elected. 4 *Inst.* 48.

*non abest.* *Debates of the Commons, Oxf. edit. 1766.*  
p. 50.

The King by his Charter cannot exempt a Man from being elected, for such Charter of Exemption is void. 4 *Inst.* 49.

By Stat. 23 *Hen. 6. c. 14. sect. 3.* " If any Knight, Citizen, or Burgeſs; returned by the Sheriff, ſhall after ſuch Return be put out; and another put in his Place, ſuch Perſon ſo put in the Place, if he take upon him to be Knight, Citizen; or Burgeſs at any Parliament, ſhall forfeit to the King one hundred Pounds and one hundred Pounds to the Knight, Citizen, or Burgeſs returned by the Sheriff, and put out; and the Knight, Citizen, or Burgeſs, ſo put out ſhall have an \* Action of Debt for the ſame one hundred Pounds againſt ſuch Perſon put in his Place, his Executors or Adminiſtrators."

By Stat. 5 *W. & M. c. 7. ſect. 57.* " No Member of the Houſe of Commons ſhall be concerned; or any other in Truſt for him, in the collecting or making any of the Duties granted by this Act; *viz. Duties on Salt and an additional Excise*, or that ſhall be granted by any other Act of Parliament; except the Commiſſioners of the Treasury, and the Officers and Commiſſioners for managing the Customs and Excise, not exceeding the preſent Number."

By Stat. 11 & 12 *W. 3. c. 2. ſect. 150.* 12 & 13 *W. 3. c. 10. ſect. 89.* " No Member of the Houſe of Commons ſhall be capable of being a Commiſ-

\* Muſt begin his Suit within three Months after the Parliament commenced; and if he do not, than he that will ſue, ſhall have an Action of the Debt of the ſame one hundred Pounds; againſt him, which is put in Place of him that is put out after Return, his Executors, or Adminiſtrators; and ſuch Proceſs ſhall be in the Actions aforeſaid, as in a Writ of Treſpaſs againſt the Peace, at Common Law: *ſect. 3.*

ſioner

tioner or Farmer of the Duty of Excise upon Beer, &c. or a Commissioner for Appeals concerning the said Duty, or controlling or auditing the Account of the said Duty, or of holding in his Name, or in Trust for his Use, any Office or Employment touching the farming, collecting or managing, the said Duty."

By *Seft. 151. and 12 & 13 W. 3. c. 10. seft. 90.* "If any Member of the House of Commons shall enjoy, or execute any Office or Employment touching the farming, managing or collecting, the said Duty, or determining Appeals, or controlling or auditing the Accounts of the same, such Person is declared incapable of sitting, voting or acting, as a Member of the House of Commons in such Parliament."

By Stat. *13 W. 3. c. 6. seft. 10. and 1 Geo. Stat. 2. c. 13. seft. 16.* "No Peer of this Realm shall vote or make his Proxy in the House of Peers, or sit there during any Debate, nor any Member of the House of Commons shall vote in that House, or sit there during any Debate, after their Speaker is chosen, until such Peer or Member shall take and subscribe the Oath \* of Abjuration."

By Stat. *13 W. 3. c. 6. seft. 11. and 1 Geo. Stat. 2. c. 13. seft. 17.* "If any Peer or Member of the House of Commons shall vote, or make his Proxy, not having taking the Oath and subscribed the same, such Peer or Member shall be adjudged a *Popish † Recusant Convict*, and shall be disabled to

\* By Stat. *13 W. 3. c. 6. seft. 10.* "The Oath shall be made and subscribed between nine in the Morning and four in the Afternoon, by every Peer at the Table in the Middle of the House, before he takes his Place, and whilst a full House is there, with their Speaker in his Place; and by every Member of the House of Commons, at the Table in the Middle of the House, and whilst a full House is there sitting, with their Speaker in the Chair. For the Form, see Appendix, N<sup>o</sup>. VII.

† To be a *Recusant*, doth not necessarily imply the being a *Popish*; but a *Recusant* is any Person who refuses to go to Church, and



hold any Place of Profit or Trust, civil or military, or to sit or vote in either House of Parliament, or make a Proxy in the House of Peers, or to sue any Action at Law, or to prosecute any Suit in Equity, or to be Guardian of any Child, or Executor or Administrator of any Person, or capable of any Legacy or Deed or Gift, and shall forfeit five hundred Pounds, to be recovered by him who shall sue for the same, in any Court of Record at *Westminster*."

By Stat. 2 & 3 *An. c. 4. sect. 22. 6 An. c. 35. sect. 32. 7 An. c. 20. sect. 21. 8 Geo. 2. c. 6. sect. 37.* "No Register or his Deputy, shall be capable of being chosen a Member of Parliament."

By Stat. 6 *An. c. 7. sect. 25.* "No Person who shall have in his own Name, or in Trust for him, any new Office or Place of Profit under the Crown, which since the twenty-fifth of *October* One thousand Seven hundred and Five, have been created, or hereafter shall have been created, nor any Person who shall be a Commissioner or Sub-commissioner of Prizes, Secretary or Receiver of Prizes, nor any Controller of the Accompts of the Army, nor any Commissioner of the Transports, nor any Commissioner of the Sick and Wounded, nor any Agent for any Regiment, nor any Commissioner for Wine Licences, nor any Governor or Deputy Governor of the Plantations, nor any Commissioner of the Navy employed in the Out-Ports, nor any Person having any Pension from the Crown during Pleasure, shall be capable of being elected, or of sitting or voting as a Member of the House of Commons."

and worship God, after the Manner of the Church of *England*, a *Papist Recusant*, is a *Papist* who so refuseth; and a *Papist Recusant Convict*, is a *Papist* legally convicted thereof. Many Authors who have wrote on this Subject, not attending to this Distinction, have fallen into Confusion.

By



By *Sect.* 26. "If any Person being chosen a Member of the House of Commons, shall accept of any Office of Profit from the Crown, his Election shall be void, and a new Writ shall issue for a new Election; provided that such Person shall be capable of being again elected."

By *Sect.* 28. "Nothing herein shall extend to to any Member of the House of Commons, being an Officer in the Navy, or Army, who shall receive any new Commission in the Army or Navy."

By *Sect.* 29. "If any Person hereby disabled to sit or vote in Parliament shall be returned for any County, &c. such Election and return are declared to be void; and if any Person disabled by this Act shall sit or vote as a Member, such Person shall forfeit five hundred Pounds to be recovered by such as shall sue for the same in *England*."

*All the foregoing Clauses in this Act were enacted before the Union by 4 & 5 Ann c. 8.*

By Stat. 9 Ann c. 5. *sect.* 1. "No Person shall be capable to sit or vote as a Member of the House of Commons for any County, City, Borough or *cinque Port*, within *England*, *Wales* and *Berwick*, who shall not have an Estate, Freehold or Copyhold, for his own Life, or some greater Estate in Law or Equity for his own Benefit, in Lands or Hereditaments, over and above what will clear all Incumbrances that may affect the same, within *England*, *Wales*, and *Berwick*, of the respective annual Value hereafter limited, *viz.* the annual Value of six hundred Pounds for every Knight of a Shire, and of three hundred Pounds for every Citizen, Burgess, or Baron, of the *cinque Ports*; and if any Person who shall be elected or returned, as a Knight, Citizen, Burgess, &c. shall not at the Time of such Election and Return be seized of, or intitled to, such Estate, such Election and Return shall be void."

By *Seet.* 2. " Nothing in this Act shall make the eldest Son, or Heir Apparent of any Peer, or of any Person qualified to serve as Knight of a Shire, incapable of being elected."

By *Seet.* 3. " Nothing in this Act shall extend to either of the Universities."

By *Seet.* 4. " No Person shall be qualified within the Meaning of this Act, by Virtue of any Mortgage, whereof the Equity of Redemption is in any other, unless the Mortgagee shall have been in Possession seven Years before his Election."

By *Seet.* 5. " Every Person, except as aforesaid, who shall appear as a Candidate, or be proposed to be elected, shall, upon reasonable Request (at the Time of such Election, or before the Day prefixed in the Writ of Summons) by any other Candidate, or by any two Persons having Right to vote at such Election, take the Oath in Appendix, N<sup>o</sup>. XVII.

By *Seet.* 6. " In case such Candidate is to serve for any City, Borough or *cinque Port*, then the Oath shall relate only to the Value of three hundred Pounds *per Annum*."

By *Seet.* 7. " The Oath aforesaid may be administered by the Sheriff or Under-sheriff for any County, or by the Mayor, Bailiff, or other Officer, for any City, Borough or Port, to whom it shall appertain to take the Poll, or make the Return, or by any two Justices of Peace within *England, Wales, and Berwick*; and the said Sheriff, &c. who shall administer the Oath, are required to certify the taking thereof into *Chancery* or the *Queen's Bench*; within three Months, under Penalty of one hundred Pounds, one Moiety to the Queen, and the other Moiety to such as will sue for the same, to be recovered with Costs in any of her Majesty's Courts at *Westminster*; and if any of the Candidates shall wilfully refuse to take the Oath, the Election,

Election and Return of such Person shall be void."

By *Seet. 8.* "No Fee shall be taken for administering such Oath, or making or filing the Certificate, except one Shilling for administering the Oath, and two Shillings for making the Certificate, and two Shillings for filing the same; under Penalty of twenty Pounds, to be recovered as aforesaid."

By *Stat. 1 Geo. stat. 2. c. 56. sect. 1.* "No Person having any Pension from the Crown of any Term of Years, either in his own Name, or in Trust for him, shall be capable of being elected a Member of the House of Commons."

By *Seet. 2.* "If any Person who shall have such Pension, shall presume to sit or vote, he shall forfeit twenty Pounds for every Day in which he shall sit or vote there, to him who shall sue for the same in any of the Courts at *Westminster*, with Costs."

By *3 Geo. c. 8. sect. 43.* "No Member of the Bank, for any Thing in this Act contained, shall be disabled from being a Parliament Man."

By *3 Geo. c. 9. sect. 7.* "No Governor, Sub-governor, Deputy-Governor, or Member of the *South Sea Company*, by Reason of his being a Member of the said Company, or of any Matter or Thing in this Act contained, be now or at any Time hereafter disabled from being or continuing; or from being elected, or serving as a Member of Parliament. But see *7 Geo. stat. 1. c. 28. sect. 1.* for disabling Sub-Governors, &c. of the said Company from sitting or voting in Parliament for the future."

By *Stat. 6 Geo. c. 18. sect. 10.* "No Person who shall be Governor, Director, or other Officer belonging to the Corporations for Insuring of Ships, &c. shall for that Cause only be disabled from being a Member of Parliament."



By Stat. 15 Geo. 2. c. 22. *sect.* 1. " No Person shall be a Commissioner of the Revenue in *Ireland*, or Commissioner of the Navy or Victualling Offices, nor any Deputies or Clerks in any of the said Offices, or in any of the Offices following, *viz.* the Office of Lord High Treasurers, or the Commissioners of the Treasury, or of the Auditor of the Receipt of his Majesty's *Exchequer*, or of the Tellers of the *Exchequer*, or of the Chancellor of the *Exchequer*, or of the Lord High Admiral, or the Commissioners of the Admiralty, or of the Paymasters of the Army, or of the Navy, or of his Majesty's principal Secretaries of State, or of the Commissioners of the Salt, or of the Stamps, or of Appeals, or of Wine Licences, or of Hackney Coaches, or of Hawkers and Pedlars, nor any Persons having any Office, civil or military, within the Island of *Minorca*, or in *Gibraltar*, other than Officers having Commissions in any Regiment there only, shall be capable of being elected, or of sitting or voting as a Member of the House of Commons."

By *Sect.* 2. " If any Person hereby disabled shall be returned as a Member to serve in Parliament, such Election and Return are hereby declared void. And if any Person disabled by this Act to be elected, shall presume to sit or vote as a Member of the House of Commons, he forfeits twenty Pounds for every Day in which he shall sit or vote in the said House, to such Person who shall sue for the same in any Court at *Westminster*; and the Money so forfeited shall be recovered with Costs by Action of Debt, &c. in which no *Essoign*, &c. shall be allowed; and shall from thenceforth be incapable of taking or holding any Office of Honour or Profit under his Majesty."

By *Sect.* 3. " Nothing in this Act shall exclude the Treasurer or Comptroller of the Navy, the Secretaries of the Treasury, the Secretary to the Chancellor of the *Exchequer*, or Secretaries of the Admi-



Admiralty, the under Secretary to any of his Majesty's principal Secretaries of State, or the Deputy Paymaster of the Army, or to exclude any Person having any Office or Employment for Life, or for so long as he shall behave himself well in his Office."

By Stat. 33 *Geo. 2. c. 20. sect. 1.* "Every Person (except as is herein after excepted) who shall be elected a Member of the House of Commons, shall before he presumes to vote in the House of Commons, or sit there during any Debate, after their Speaker is chosen, deliver in to the Clerk of the said House, at Table in the Middle of the House, and whilst the House of Commons is there duly sitting, with their Speaker in the Chair, an account\* signed by such Member, containing the Names of the Parishes, Townships or Precincts, and of the Counties in which the Lands or Hereditaments lie, whereby he makes out his Qualifications, declaring the same to be of the annual Value of six hundred Pounds above Reprizes, if a Knight of a Shire; and of the annual Value of three hundred Pounds above Reprizes, if a Citizen, Burgess, or Baron of the *cinque Ports*†: and shall at the same Time take and subscribe the Oath." N<sup>o</sup>. XVIII. of the Appendix.

And the House of Commons is hereby empowered and required to administer the said Oath and Subscription according to this Act to every Person duly demanding the same, immediately after such Person shall have taken the Oaths of § Allegiance, ‡ Supremacy, and ¶ Abjuration at the said Table.

\* For the Form see Appendix, N<sup>o</sup>. XIX.

† This somewhat balances the Ascendancy which the Boroughs have gained over the Counties, by obliging the trading Interest to make Choice of landed Men. *Black. Com.* 170.

§ See the Form in Appendix, N<sup>o</sup>. III.

‡ Ibid. N<sup>o</sup>. IV.

¶ Ibid. N<sup>o</sup>. VII.

And the said Oath and Subscription shall be entered in a Parchment Roll, to be provided by the Clerk of the House of Commons; and the Accounts so signed and delivered to the said Clerk shall be filed and kept by him.

By *Seet. 2.* “ If any Person elected to serve in any future Parliament as a Knight of the Shire, or as a Citizen, Burgefs, or Baron of the *cinque Ports*, presume to sit or vote as a Member of the House of Commons, before he has delivered in such Account, and taken and subscribed such Oath, or shall not be qualified according to 9 *Ann c. 5.* and this Act; his Election shall be void, and a new Writ shall be issued to elect another Member.”

By *Seet. 3.* “ Nothing in this Act shall extend to the eldest Son or Heir Apparent of any Peer, or of any Person qualified to serve as a Knight of a Shire, or to the Members for either of the Universities in *England*, or to the Members for *Scotland*.”

### *Bribery and Corruption.*

The first Instance that occurs of Election Bribery, was so early as 13 *Eliz.* when one *Thomas Longe* (being a simple Man and of small Capacity to serve in Parliament) acknowledged that he had given the returning Officer and others of the Borough of *Westbury*, four Pounds to be returned Member, and was for that Premium elected. But for this Offence the Borough was amerced, the Member was removed, and the Officer fined and imprisoned. But as this Practice hath since taken much deeper and more universal Root, it hath occasioned the making of these wholesome Statutes; to complete the Efficacy of which, there is nothing wanting but Resolution and Integrity to put them in strict Execution. *Bl. k. Com. 173.*

By

By Stat. 7 *W. 3. c. 4. sect. 1.* " No Person to be elected to serve in Parliament for any Place, after the *Teste* of the Writ of Summons, or after the ordering of the Writs of Election upon the calling of any Parliament, or after such Place becomes vacant in Time of Parliament, shall, before his Election, give or allow to any Person having Voice in such Election any Money, Meat, Drink, Entertainment or Provision, or make any Present, Entertainment, or any Promise or Engagement, to give or allow any Money, &c. to any such Person in particular, or to such Place in \* general, in order to be elected."

By *Seet. 2.* " Every Person so giving or allowing, promising or engaging, shall be disabled upon such Election to serve in Parliament for such Place."

By Stat. 9 *Ann. c. 5. sect. 5.* " Every Person who shall appear as a Candidate, or be proposed to be elected, shall, upon reasonable Request (at the Time of such Election, or before the Day prefixed in the Writ of Summons) by any other Candidate, or by any two Persons having Right to vote, at such Election, take the Oath." N<sup>o</sup>. XVII. in the Appendix.

By *Seet. 6.* " In case such Candidate is to serve for any City, Borough, or *cinque Port*, then the Oath shall relate only to the Value of three hundred Pounds *per Annum.*"

By *Seet. 7.* " The Oaths aforesaid may be administered by the Sheriff or Under-sheriff for any County, or by the Mayor, Bailiff, or other Officer, for any City, Borough or Port, to whom it shall appertain to take the Poll, or make the Return, or by any two Justices of Peace within *England, Wales,*

\* Treating a Corporation on the Day of Election is a Breach of this Statute. 4 *Com. Dig.* 287.



and *Berwick*; and the said Sheriff, &c. who shall administer the Oaths, are required to certify the taking thereof into *Chancery* or the *Queen's Bench* within three Months, under Penalty of one hundred Pounds, one Moiety to the Queen, and the other Moiety to such as will sue for the same, to be recovered with Costs in any of his Majesty's Courts at *Westminster*; and if any of the Candidates shall wilfully refuse to take the Oath, the Election and Return of such Person shall be void."

By *Seet. 8.* "No Fee shall be taken for administering such Oath, or making or filing the Certificate, except one Shilling for administering the Oath, and two Shillings for making the Certificate, and two Shillings for Filing the same, under Penalty of Twenty Pounds, to be recovered as aforesaid."

Subject to these Restrictions and Disqualifications, every Subject of the Realm is eligible of common Right. It was therefore an unconstitutional \* Prohibition, which was inserted in the King's Writs, for the Parliament holden at *Coventry*, 6 *Hen. IV.* that no † Apprentice or other Man of the Law

\* The Occasion of which was this, the King being in great Want of Money, and fearing that if the Lawyers were Parliament Men, they would oppose his excessive Demands and hinder his illegal Purposes (according to their Knowledge and Learning in the Laws, and public Affairs;) to prevent this, the King issued forth Writs of Summons with the above Prohibition in them. Besides this, there seems to have been a Disgust both of the Commons and of the great Men against Lawyers, as being an Hindrance to their Oppressions, by pleading the Right of Law, on behalf of their Clients. 2 *Mor. Whitel. on Govern. chap. 100. fol. 360. 361.*

† Possibly the Word *Apprentice* of the Law may have been an erroneous Manner of filling up the Contraction *ap. de la Ley*, which meant *appri. de la Ley*, or "learned and versed in the Laws," and not *Apprentice de la Ley*.—It is not probable that the Law, which was so liberally professed in *England*, and which had such noble Establishments, according to *For-*  
*tescue's*



should be elected a Knight of the Shire therein \*; in Return for which, our Law-books and † Historians have branded this Parliament with the Name of *Parliamentum Indoctum*, or the lack-learning Parliament; and Sir *Edward Coke* observes with some Spleen ‡, there was never a good Law made thereat. *Black. Com.* 170.

### 3. *The Manner of, & Proceedings at Elections.*

By Stat. 7 & 8 *W. 3. c. 25. sect. 1.* “ When any new Parliament shall be summoned, there shall be forty Days between the *Teste* and Return of the Writs of § Summons, and the Lord Chancellor || shall issue out the Writs for Election of Members, with as much Expedition as may be. And as well upon the calling a new Parliament, as in case of Vacancy during Parliament, the Writs shall be

*tescue's* Account should have borrowed, for one of their Degrees in *Science*, a Term of *Mechanics* and *Trade*. *Observ.* on Stat. 215.

\* *Pryn.* on 4 *Inst.* 13.

† *Speed Hist. Angl.* 458. pl. 35. *Walsingb.* A. D. 1405.

‡ 4. *Inst.* 48.

§ The Writ for Summons or Election, shall have no material Alteration, or Addition, without Act of Parliament. 4 *Inst.* 10. Before the Writ of Summons issues, the King gives a Warrant to the Chancellor, by Bill signed for issuing the Writs, *D'Ewres, Journ.* 2. [for the Form of the Warrant, see Appendix, N<sup>o</sup>. I. of the Writ, N<sup>o</sup>. II.] If the Person elected dies, or makes Election for another Place, the Speaker issues a Warrant to the Clerk of the Crown, upon Motion, to make a Writ for another Election at the vacant Place; so, if the Person elected accepts an Office, be made a Peer, &c. though there be a Petition depending for the Election at the same Place, if it be not against him who dies, &c. or, there was not any Candidate, but the Persons who are returned. 4 *Com. Dig.* 285. The Writ of Summons shall be, *tesse* the King, or *tesse* the Chief Justice, or Guardian of the Realm. 4 *Inst.* 6.

|| Or if a Vacancy happens during Parliament, the Speaker, by Order of the House. *Black. Com.* 171.

delivered

delivered to the Officer to whom the Execution thereof doth belong, and no other Person; and such Officer upon Receipt of the Writ, shall, upon the Back thereof, indorse the Day he received the same, and forthwith make out the Precept to each Borough or Place; and within three \* Days after Receipt of the Writ shall deliver such Precepts to the proper Officer of every such Borough, &c. and to no other Person; and such Officer upon the Back of the Precept, shall indorse the Day of the Receipt thereof, in the Presence of the Party from whom he received such Precept, and shall forthwith cause Public Notice to be given of the Time and Place of Election, and shall proceed to Election thereupon within eight Days after his Receipt of the Precept, and give four Days Notice at least of the Day appointed for the Election."

By Stat. 10 Ann c. 23. *sect.* 8. "If any Quaker shall upon Election, if required by the Candidates, declare the Effect of the Oath *required of Electors* upon his solemn Affirmation, such Quaker shall be admitted to vote, and the Sheriff shall enter *affirmat* against the Name of such Quaker; and in case such Quaker shall be convicted of having wilfully, falsely and corruptly affirmed any Thing, which, if the same had been in the usual Form, would have amounted to wilful and corrupt Perjury, such Quaker shall incur the Penalties of wilful and corrupt Perjury."

By Stat. 2 Geo. 2. c. † 24. *sect.* 1. "Upon every Election for any Member to serve for the Commons

\* The proper Officer of the *cinqve Ports* shall be allowed six Days from the Receipt of such Writ for the Delivery of the Precept, according to the above Statute, 10 & 11 W. 3. c. 7. *sect.* 2.

† This Act is not confined only to Candidates and Persons employed by them, but it extends to all Persons whomsoever; the Words being as plain and as general as possible. *Andr.* 249.

in Parliament, every Freeholder, Citizen, Freeman, Burgess, or Person having Right to \* vote, shall, before he is admitted to Poll, take an Oath (or being a Quaker, make the solemn Affirmation) in case the same be demanded by either of the Candidates, or any two Electors. See Appendix No. XI. And no Person shall be admitted to Poll till he has taken the Oath, if demanded, before the returning Officer or others legally deputed by him."

By *Seet. 2.* "If any Sheriff or other returning Officer, shall admit any Person to be polled without taking such Oath, &c. if demanded, such returning Officer shall forfeit one hundred Pounds with Costs; and if any Person shall vote without having first taken the Oath, &c. if demanded, he shall incur the same Penalty."

By *Seet. 3.* "Every Sheriff or other returning Officer, shall, immediately after reading the Writ or Precept for the Election, take and subscribe the Oath, No. XXVII. of the Appendix; which Oath any Justice of Peace of the County, City, Corporation or Borough, where the Election shall be made, or in his absence any Three of the Electors, are required to administer; and the Oath shall be entered among the Records of the Sessions."

By *Seet. 5.* "If any returning Officer, or Person taking the Oath, &c. shall be guilty of wilful Perjury, or of false affirming, and be thereof convicted, he shall suffer the Pains of wilful and corrupt Perjury."

By *Seet. 7.* "If any Person who shall claim a Right to vote in any such Election, shall receive any Money or other Reward, or agree for any

\* It might not be amiss, if the Members elected were bound to take this Oath, as well as the Oath of Abjuration; which in all Probability would be much more effectual, than administering it only to the Electors, *Black. Com.* 173, 174.



Money, Gift, Office, Employment, or other Reward, to give his Vote, or to forbear to give his Vote, in any such Election; or if any Person shall, by any Gift or Reward, or by any Promise or Security for any Gift or Reward, corrupt or procure any Person to give his Vote, or to forbear to give his Vote; the Offender shall forfeit five hundred Pounds, to be recovered with Costs; and any Person offending in the said Cases, after Judgment obtained against him in any Action of Debt, &c. or summary Action, or Prosecution, or being otherwise lawfully convicted, shall be for ever disabled to vote in any Election of Members to serve in Parliament; and shall for ever be disabled to hold or enjoy any Office or Franchise, as a Member of any City, Borough, or *cinque Port*."

By *Seet. 8.* "If any Person offending against this Act, shall within Twelve Months after such Election, discover any other Person offending against this Act, so that the Person discovered be convicted, the Person discovering, and not having before been convicted, shall be \* indemnified from all Penalties and Disabilities which he shall then have incurred by any Offence against this Act."

By *Seet. 9.* "Every Sheriff or other Officer, to whom the Execution of any Writ or Precept for electing any Member shall belong, shall, at the Time of such Election, immediately after the Writ or Precept, cause to be read before the Electors this Act, and the same shall also be read once every Year, at the Quarter Sessions next after *Easter*, for any County or City; and at the Election of the Chief Magistrate in any Borough, Town Corporate, or *cinque Ports*."

\* In like Manner the *Julian Law de Ambitu*, inflicts Fines and Infamy upon all who were guilty of Corruption at Elections; but if the Person guilty convicted another Offender, he was restored to his Credit again. *Black. Com. 173.*

By



By *Seet.* 10. "Every Sheriff, Under-sheriff, and other Officer to whom the Execution of any Writ or Precept for the electing of Members doth belong, shall, for every wilful Offence contrary to this Act forfeit fifty Pounds, to be recovered with Costs."

By *Seet.* 11. "No Person shall be liable to any Incapacity or Penalty by this Act, unless Prosecution is commenced within Two \* Years, after such Incapacity, &c. shall be incurred and carried on without delay."

By Stat. 19 *Geo.* 2. c. 28. *seet.* 1. "Every Person demanding to vote for the Election of any Member to serve in Parliament, for any City or Town, being a County of itself in *England*, in respect of any Freehold Estate of Forty Shillings a Year, shall, before he is admitted to Poll (if required by any of the Candidates, or other Person having a Right to vote) take the Oath (or being a Quaker, the Affirmation) No. XIII. of the Appendix; which Oath the Sheriff or Under-sheriff, or such sworn Clerk as shall be by him appointed for taking the Poll, is to administer: and in case any Person taking the said Oath or Affirmation, shall thereby commit wilful Perjury, and be convicted; and if any Person corruptly procure or suborn any Person to take the said Oath in order to be polled, whereby he shall commit wilful Perjury, and shall be convicted; they for every such Offence shall incur such Penalties as are inflicted by 5 *Eliz.* c. 9. and 2 *Geo.* 2. c. 25."

By *Seet.* 13. "Nothing herein contained shall extend to any City or Town, being a County of

—\* No Person shall be liable to any Penalty by this Act, unless such Person shall be legally arrested, or served with Process, within two Years after any Offence against the said Act committed; so as the Service of such Process be not prevented by such Person absconding. Stat. 9 *Geo.* 2. c. 38.

itself,

itself, or to any Person, where the Right of voting for any Member of such City or Town is in respect of Burgage Tenure; or where the Right of voting in respect of a Freehold, does not require the same to be of the yearly Value of Forty Shillings."

These Proceedings I shall consider as they effect;

1. *The Election of Knights of the Shire.*
2. *The Election of Citizens and Burgeses.*
3. *The Election for the City of London.*

1. *The Election of Knights of the Shire.*

A Writ goes to the Sheriff of every County in England, commanding him to cause two most fit and discreet Knights of his County, girt with Swords, to be chosen. *Co. Lit.* 109. *b.* 4 *Inst.* 6. *Anno* 4 *Hen.* 3. a Writ of Summons was directed to the Sheriff of every County, that he cause to come two of the most lawful and discreet Knights of each County. *Dugd. Sum. Parl.* 3. *Cot. Abr. Præf.* 13. *b.* and from that Time the Counties of Bedford, Berks, Bucks, Cambridge, Kent, Cornwall, Cumberland, Derby, Devon, Dorset, York, Essex, Gloucester, Hereford, Hertford, Huntingdon, Lancaster, Leicester, Lincoln, Middlesex, Norfolk, Northampton, Northumberland, Nottingham, Oxford, Rutland, Salop, Somerset, Southampton, Stafford, Suffolk, Surry, Sussex, Warwick, Westmoreland, Wilts, and Worcester, have sent each of them two Knights. 4 *Com. Dig.* 284.

By Stat. 7 *Hen.* 4. *c.* 15. "The Elections of Knights of Shires shall be made as follows, *viz.* At the Meeting of the next County after Delivery of the Writ, Proclamation shall be made of the Day and Place of the Parliament, and that all who be present shall attend to the Election of their  
Knights;

Knights; and then in full County they shall proceed to the Election \* freely."

By Stat. 23 Hen. 6. c. 14. sect. 2. "Every Sheriff that maketh not due Election of Knights in convenient Time, viz. every Sheriff in his full County between the † Hours of Eight and Eleven before Noon."

By Stat. 7 & 8 W. 3. c. 25. sect. 3. "Upon every Election of any Knight of the Shire, the Sheriff shall hold his County Court for the Election at the most public and usual Place of Election, and where the same has most usually been for forty Years, and shall there proceed to Election at the next County Court, unless the same fall out to be held within six Days after the Receipt of the Writ, or upon the same Day, and then shall adjourn the Court to some convenient Day, giving ‡ ten Days Notice of the Time and Place of Election."

It may be judged who are elected, by hearing of the Voices, or View of the Hands held up. *Pl. Com.* 123. 126. a. But if the Freeholders demand a Poll, the Sheriff ought not to refuse it, for upon View he cannot judge who have Freeholds, and he ought not to refuse it, though the Party waives it; so, if the Party demand a Poll, he ought not to refuse it. 4 *Inst.* 48. and now by *stat.* 7 & 8

\* And by Stat. 1 W. & M. Sess. 2. c. 2. and *stat.* 2 W. & M. c. 7. "It is declared, that Elections to Parliament ought to be free." See p. 15.—Sir Edward Coke said, though the Statute directs that the Election should be free, yet never was there any Election, wherein Men did not labour their Friends by Letter, and Entreaty for their Voices. *Debates of the Commons, Oxf. edit.* 1766. p. 23.

† But it is sufficient, if the Election be begun between those

~~Hours~~. 4 *Inst.* 48.

‡ When the County Court falls out to be held within six Days after the Receipt of the Writ, or upon the same Day, no Sheriff shall adjourn such Court for longer than sixteen Days, by Stat. 18 Geo. 2. c. 18. sect. 10.



*W. 3. c. 25. sect. 3.* in case the Election be not determined upon the View, but a Poll shall be required, the Sheriff or Under-sheriff, with such others as shall be deputed by him, shall forthwith proceed to take the Poll in some open Place or Places; the Sheriff or Under-sheriff, or such as he shall depute, shall appoint such Number of Clerks as shall seem meet for taking thereof; which Clerks shall all take the Poll in the Presence of the Sheriff, or his Under-sheriff, or such as he shall depute; and before they begin to take the Poll, every Clerk shall, by the Sheriff or Under-Sheriff, be sworn truly and indifferently to take the same, and to set down the Names of each Freeholder, and the Place of his Freehold, and for whom he shall poll, and to poll no Freeholder who is not sworn, if required by the Candidates; and the Sheriff, &c. shall appoint for each Candidate such one Person as shall be nominated by each Candidate to be Inspector of every Clerk."

By *Sect. 5.* "The Sheriff, &c. or such as he shall depute, shall proceed to Polling all the Freeholders present, and shall not adjourn the County Court to any other Place, without the Consent of the Candidates, nor shall by any unnecessary Adjournment protract the Election, but shall duly proceed from Day to Day."

By *Sect. 9.* "All County Courts for the County of *York*, or any other County Courts which used to be held on a *Monday*, shall be begun on a *Wednesday*."

By *Sect. 10.* "The Sheriff of the County of *Southampton*, at the Request of one of the Candidates for that County, shall adjourn the Poll from *Winchester*, after every Freeholder there is polled, to *Newport* in the Isle of *Wight*."

By 10 *Ann c. 23. sect. 5.* "In taking the Poll, the Sheriff, or his Under-sheriff and Clerks, shall enter,



enter; not only the Place of the Elector's Freehold, but also the Place of his Abode, and shall also enter *jurat* against the Name of every such Voter who shall take the Oath, (appointed \* by 18 Geo. 2. c. 18.) and the Sheriff, or returning Officer, shall, within twenty Days after such Election, deliver over upon Oath (which Oath the two next Justices of Peace, one of the *quorum*, are to administer) unto the Clerk of the Peace, all the Poll-books of such Elections, without any Alteration; and in such Counties where there are more than one Clerk of the Peace, the original Poll-books to one of the Clerks of the Peace, and attested Copies thereof to the rest, to be kept among the Records of the Peace."

By *Stat. 6.* "The Sheriff of the County of York shall appoint seven Tables for taking the Poll upon any Election of Knight of the Shire, at the Costs the Candidates."

\* For the Form see Appendix, N<sup>o</sup>. XII. which Oath the Sheriff or Under-sheriff, or such sworn Clerk as shall be by him appointed for taking the Poll, is to administer: And in case any Person taking the said Oath or Affirmation, shall thereby commit wilful Perjury, and be convicted; and if any Person corruptly procure or suborn any Person to take the said Oath in order to be polled, whereby he shall commit wilful Perjury, and shall be convicted; they for every such Offence shall incur such Penalties as are inflicted by 5 *Eliz. c. 9.* & 2 *Geo. 2. c. 25.* 19 *Geo. 2. c. 28. sect. 1.*

Note, the Punishment in 5 *Eliz. c. 9.* [perpetuated by 29 *Eliz. c. 5.* 21 *Jam. c. 28. sect. 8.*] is, for every Offence, to forfeit twenty Pounds; half a Year's Imprisonment, and to be incapacitated to take an Oath till the Judgment be reversed, and for want of twenty Pounds, to have their Ears nailed to the Pillory. *Stat. 6, 7.*

For Subornation of Perjury to forfeit forty Pounds, and be incapacitated, and for Want of forty Pounds, to stand an Hour in the Pillory. *Stat. 3, 4, 5.* Besides the above Punishments, the Offender is liable to Transportation for seven Years; by *Stat. 2 Geo. 2. c. 25.* perpetuated by 9 *Geo. 2. c. 18.*

By 18 Geo. 2. c. 18. *sect.* 7. " At every Election in *England* and *Wales*, the Sheriff, or in his Absence, the Under-sheriff, or such as he shall depute, shall appoint or erect, at the Expence of the Candidates, such Number of Booths or Places for taking the Poll, as any of the Candidates shall, three Days at least before the Commencement of the Poll, desire ; so as the same do not exceed the Number of Rapes, Laths, Wapentakes, Wards, or Hundreds within the said County, and not exceeding in the Whole the Number of fifteen; and shall affix on the most public Part of each the Name of the Rape, &c. for which such Booth is designed : and the Sheriff, &c. shall appoint a Clerk or Clerks at each Booth to take the Poll (who shall at the Expence of the Candidates be paid not exceeding one Guinea *per* Day, each Clerk) and the Sheriff or Under-sheriff, shall also make out a List for each Booth, of all the Towns, Villages, Parishes, and Hamlets, lying wholly or in part in the Rape, &c. for which such Booth is designed ; and shall upon Request, deliver a Copy thereof to any of the Candidates, or their Agents, taking for each Copy two Shillings, and no more."

By *Seet.* 8. " No Sheriff, Under-sheriff, or Clerk appointed to take the Poll at any of the said Booths, shall admit any Person to vote for any Freehold Estate sworn to be at some Parish or Place not mentioned in the List so made out for such Booth, unless such Estate lie in some Place not mentioned in any of the Lists.

By *Seet.* 9. " The \* Sheriff, or in his Absence,

\* *Seet.* 6. 8, 9, 10, 11 & 12, of *Stat.* 19 Geo. 2. c. 28. have the very same Regulations and Provisions, and almost *verbatim*, with respect to Persons voting for a Member for any City or Town, being a County of itself, as are made by *seet.* 9. 12, 13, 14, 15 & 16, of the above abstracted Act of 18 Geo. 2. c. 28, with respect to Persons voting for Knights of the Shire.

the Under-sheriff, or such as he shall depute, shall at every such Election, allow a Cheque-book for every Poll-book for each Candidate, to be kept by their respective Inspectors, at every Place where the Poll shall be taken."

By *Seet. 12.* "In case any Sheriff or Under-sheriff, who shall preside at any Election of any such Knight of the Shire in *England* or *Wales*, shall wilfully offend against this Act, he shall be prosecuted by Information or Indictment in the Court of *King's Bench*, or in the Courts of Great Sessions in *Wales*, or at the Sessions for the County Palatine of *Chester*, *Lancaster*, and *Durham*, or at the Assizes for the Place where such Offence shall be committed, in which no *noli prosequi* or *cesset processus* shall be granted."

By *Seet. 13.* "It shall be sufficient for the Plaintiff in any Action of Debt given by this Act, to set forth in the Declaration, that the Defendant is indebted to him in the Sum of                      and to alledge the particular Offence for which such Action is brought, and that the Defendant hath acted contrary to this Act; without mentioning the Writ of Summons to Parliament, or the Return thereof: and it shall be sufficient in any Indictment or Information for any Offence contrary to this Act, to alledge the particular Offence, and that the Defendant is guilty thereof, without mentioning the Writ of Summons to Parliament or the Return thereof: and upon trial of any Issue in any Action, Indictment or Information, the Plaintiff, Prosecutor, or Informer, shall not be obliged to prove the Writ of Summons to Parliament, or the Return thereof, or any Warrant to the Sheriff grounded upon such Writ of Summons."

By *Seet. 14.* "Every Action, Indictment, or Information given by this Act, shall be commenced



within nine Kalendar Months after the fact upon which the same is grounded."

By *Seet.* 15. "All the Statutes of Jeofails shall extend to all Proceedings in any Action, Indictment, or Information given by this Act"

By *Seet.* 16. "In case the Plaintiff or Informer, in any Action, Indictment, or Information, given by this Act, discontinue or be nonsuited, or Judgment be given against him, the Defendant shall recover treble Costs."

By Stat. 19 *Geo.* 2. c. 28. *seet.* 7. "The Sheriff or Sheriffs of every City or Town, being a County of itself, and having a Right to elect a Member of Parliament, by Virtue of the Writ issuing out of *Chancery* without any Precept thereupon, in *England*, shall forthwith upon the Receipt of the Writ cause public Notice to be given of the Time and Place of Election; and proceed to Election within eight Days next after that of his Receipt of the Writ, and give three Days Notice thereof at least, exclusive of the Day of the Receipt of the Writ, and of the Day of Election."

## 2. *The Election of Citizens & Burgeſſes.*

Members for Cities and Boroughs are chosen by Virtue of the King's Writ, and the Sheriff's Precept grounded thereupon, the Precept being directed to the Mayor, or other returning Officer.

A Writ to the Sheriff of every County commands that from \* every City of his County, two

\* *Anno* 49 *Hen.* 3. A Writ of Summons was directed to the Citizens of *York*, and required them to send to Parliament two of the most discreet, leige, and worthy Citizens, &c. *Dugd. Sum. Parl.* 3. Citizens and Burgeſſes, were not afterwards summoned with the Knights of Shires to Parliament, till 23 *Edw.* 1. but the King sent them Commissioners, who assessed, or levied upon them the same, or a greater Tax than was granted



Citizens, &c. *Co. Lit.* 109. *b.* 4 *Inst.* and from \* every Borough two Burgesſes of the moſt diſcreet and ſufficient. *Co. Lit.* 110.

A Citizen is the moſt worthy, but his Election agrees in all Reſpects with the Election of a Burgeſs, by *Holt. Ch. Juſt.* 2 *Lord Raym.* 951. 6 *Mod.* 51.

The Election in a Borough is by Perſons who hold by Burgage Tenure, or by the Burgeſſes of a Corporation; the Right of a Vote for Electing Burgeſſes to Parliament is incident to every Burgage Tenure. The Election by the Burgeſſes of a Corporation is a perſonal Privilege given by Preſcription, or Charter, and is a Right veſted in the whole Corporation, to be exerciſed by every Member thereof. 6 *Mod.* 51, 52. *Lord Raym.* 951 *Salk.* 20. 3 *Salk.* 18.

### 3. *The Election of Citizens of London.*

By 11 *Geo. c.* 18. *ſect.* 1. “ Upon every Election of Citizens to ſerve in Parliament for the City of *London*, the preſiding Officers ſhall, in caſe a Poll be demanded by any of the Candidates, or two of the Electors, appoint Clerks to take the Poll in the Preſence of the preſiding Officer, and be ſworn by him, truly and indifferently to take the ſame, and to ſet down the Name of each voter, and the Place of his Abode, and for whom he ſhall Poll, and to poll no Perſon who ſhall not be ſworn, or being a Quaker, ſhall not affirm, according to

ed by Knights of Shires. *Brad. Treat. de Burg.* 25 to 32. *Dugdale* mentions the ſecond Summons, 22 *Edw.* 1. *Dugd. Sum. Parl.* 7.

\* So it was done, *Anno* 49 *Hen.* 3. *Dugd. Sum. Parl.* 3. Burgeſſes were not afterwards ſummoned to Parliament till 22 or 23 *Edw.* 1. *Brad. Treat. de Burg.* 25, &c. *Dugd. Sum. Parl.* 7.

this Act: And every Person before he is admitted to poll at any Election of Citizens to serve in Parliament, shall take \* Oath, [N<sup>o</sup>. X. of the Appendix] or being a Quaker, shall solemnly affirm the Effect thereof."

By *Seet. 2.* "All Persons having Right to vote at such Election shall (if required by any of the Candidates or any two of the Electors) take the Oaths in the Act of † 1 *Geo. stat. 2. c. 13. sect. 1.* for the Security of his Majesty's Person and Government, &c. or being a Quaker, affirm the Effect thereof; and the presiding Officers at such Elections, and such sworn Clerks, are impowered to administer the above-mentioned Oath; and if such presiding Officer or Clerk offend in the Premises, he shall forfeit sixty Pounds besides Costs."

By *Seet. 3.* "If any Person shall falsely and corruptly take the said Oaths or Affirmations, and be thereof convicted by Indictment or Information, or if any Person shall corruptly procure or suborn any other Person to take the same, and shall be thereof convicted, the Offender shall suffer as Persons convicted of wilful and corrupt Perjury at common Law."

By *Seet. 4.* "If it be demanded at the above mentioned Election, the presiding Officer shall begin the Poll the Day it shall be demanded, or the next Day, and shall proceed therein therein from Day to Day, until such Poll be finished; and shall finish the Poll by Election by Livery-men within seven Days after the commencing the same; and, shall upon adjourning the Poll on each Day, seal up the Books with the Seals, and in the Presence of such of the Candidates or Persons deputed by them, as

\* Refusing or neglecting to take the Oath, or being a Quaker, the Affirmation, makes the Poll or Vote of such Person void. *id ib.*

† See the Form of this Oath in the Appendix, N<sup>o</sup>. VII.

shall desire the same; and the Poll-books shall not be opened but at the Time and Place of Meeting; and after the Poll is finished, the Poll-books shall, within two Days be opened at the Place of Election, and cast up; and within two Days after the Numbers of the Votes shall be declared at the Place of Election; and if a Scrutiny be demanded, it shall be granted, and the Candidates shall nominate to the presiding Officers any Number of Persons qualified to vote, not exceeding six, to be Scrutineers, to whom the presiding Officers shall within six Days, upon the Request and at the Charge of the Candidates or Scrutineers, deliver a Copy, signed by such Officers of the Poll; and the Scrutineers upon such Election shall begin within ten Days after the Delivery of the Copies of the Polls, and be proceeded upon Day by Day, and shall be finished within fifteen Days after commencement; and the presiding Officers shall within four Days after the finishing such Scrutiny declare at the Place of such Election which of the Candidates is duly elected, and the Number of legal Votes for each Candidate; and if the presiding Officer, or any other Person, shall offend in the Premises, such Offender shall forfeit two hundred Pounds with Costs, over and above all other Penalties."

By *Seet. 5.* "After any Election and Scrutiny, the presiding Officer shall deliver under his Hand a List of the Voters by him disallowed, to any of the Candidates who shall demand the same, within six Days after such Demand, such Candidate paying for the same, provided no such List shall be given in Evidence."

By *Seet. 6.* "The Mayor of London, on Request made by any Candidates or their Agents, at any Elections of Citizens to serve in Parliament, where a Scrutiny is granted, shall issue his Precepts, re-



quiring the Masters and Wardens of the Livery Companies to cause their Clerks to return two Lists of the Liverymen of their Companies; and the Clerks shall return such Lists upon Oath within three Days after the Receipt of such Precepts, one of which Lists the Mayor shall deliver to the Candidates on each Side, or their Agents."

By *Seet. 14.* "No Person shall have Right to vote at any Election by the Liverymen, who have not been upon the Livery twelve Kalendar Months, and who shall not have paid their Livery Fines, or who shall have received such Fines back again in part or in all; or shall have had any Allowance in respect thereof; and no Person shall have a Right to vote who have within two Years next before requested to be, and have been discharged from paying Taxes, or have within that Time received *Alms.*"

By *Seet. 20.* "All the Forfeitures hereby enacted shall be distributed; one Third to the King, one Third to the Chamberlain for the Use of the City, and the remaining Third to the Prosecutor who will sue within six Kalendar Months after the same shall be incurred."

By *Seet. 21.* "This Act shall be a public Act."

#### 4. *The Return.*

By *Stat. 5 Ric. 2. stat. 2. c. 4.* "If any Sheriff refuses the Return of Writs of the Parliament, or leave out any Cities or Boroughs which of old Times were wont to come to Parliament, he shall be punished as accustomed."

If any Sheriff refuses the Return of the proper Officer, and accepts a Return by an improper Officer of the Corporation, it shall be amended by the Clerk of the Crown, by Order of the House to file the proper Return, and take the other off the File.

If



If he makes a double Return, and one is waived and appears improper, it shall be amended by taking it off the File. 4 *Com. Dig.* 290.

By Stat. 7 *Hen. 4. c. 15.* "After the Knights of the Shires, the Names of the Persons shall be written in an Indenture under the Seals of those who did chuse them, and tacked to the Writ, which Indenture shall be the Return: and in the Writs of Parliament this Clause shall be put;" "And your \* Election in your full County † made, you shall without ‡ delay, distinctly ||, and evenly cer-

\* This Way of Election of new Members to serve in Parliament, gives a Liberty to the People to chuse the fittest Persons to serve them; and is a Spur to the Persons elected, to endeavour to perform the better Service, that they may continue in the Favour of their Countrymen. 2 *Mor. Whitel. on Govern. chap. 3. fol. 409.*

† The Writ in this Place, saith only, in your full County, but the Word "*Court*" is to be understood, and signified by the Use of the Word "*County*," in this Place. *Mor. Whitel. on Govern. chap. 37. fol. 340.* See 2 *Mor. Whitel. on Govern. chap. 112. fol. 411. Black. Com. 171.*

‡ 2 *Mor. Whitel. chap. 104. fol. 378.*

|| The Return of the Sheriff to be "distinctly and openly" made: "distinctly," that it may be seen who are chosen for the County, and who, for each distinct City and Borough; and the Return is to be open, that the Names may be known, and whether the Persons chosen be returned, or not. That if they who are duly chosen, be not duly returned, they may prosecute the Remedy given them by Law, for that Injury. And it is necessary, that the Return be open, because upon Complaint made to the Parliament of a false Return, the House of Commons doth often send to the Clerk of the Crown in *Chancery* to bring the Return of a County, or City, (as there is Occasion) to the House, where it is sometimes perused at the Barr, or at the Committee of Privileges; and being found to be false, or mistaken, the House many Times causeth the Return to be amended at the Barr, sitting at the House; and then it is a Record according to that Amendment. The having of it "openly," doth also agree with the Law of *England*, in other Cases, that Records are to be open for all to search and view, for all are concerned in them; and it is to be "open," because it is to be tried only by itself. *Co. Lit. 117. b. 260. a.* and they admit

rify \* under your † Seal and the Seals of them † who were concerned § in that Election to us in

mit no Averment, Plea, or Proof, to the contrary. The Return of the Sheriff is Part of a Record, and hath this Privilege, for the Consequence of it, to be reckoned amongst our Records of Parliament. 2 *Mor. Whitel. on Govern. chap. 197. fol. 397.*

\* The " Sheriff must certify the King" of the Elections made in his Countey; and by his Certificate, the Persons who are to serve are certainly known; and so is the certain Number of them; and although the King may create as many as he pleases, to be Members of the Lords House, and give, by Patent, to as many Towns as he please, the Privilege of sending Burgesses to Parliament, and so encrease the Number of the Members of either House, according to his own Pleasure, yet, when he hath created those Peers, the certain Number of all the Peers must be known, as appears by the Rolls in *Chancery*; and after his granting the Privilege to Towns, the certain Number of all the Members of the House of Commons must appear, by the Certificates of the Sheriffs; else it cannot be known who are trusted with the great Power of being Members of the High Court and Council. 2 *Mor. Whitel. chap. 103. fol. 372.*

† It is very requisite that such an Officer, as the Sheriff is, should have a Seal belonging to his Office. 2 *Mor. Whitel. 409.*

‡ The Seals of the Electors must be affixed to the Indenture of Return, as well as the Seal of the Sheriff; and it is not perhaps necessary for every one of them to have a several and distinct Seal; but one Seal will serve for many, 8 *Hen. 4. fol. 8. pl.* Although twenty be named in a Deed; if it be sealed by one Seal, yet it is a good Deed. One may seal with the Seal of another Person, and the same is valid, as if he had sealed with his own proper Seal. There be many Cases in our Law, where the Seal of the Sheriff, and the Seals of others, are to be affixed to Returns, as in this Case of Return of the Election of Parliament Men; to the End, the King may have the fuller, more ample, and clearer Testimony and Certificate, of the Act done, *viz.* who are the Persons chosen; and that both by the legal Officer, who is intrusted to see the same done; and by the Freeholders, who are a Kind of Judges, and principal Actors in the Business. 2 *Mor. Whitel. cap. 109. fol. 403, 404.*

§ It is plain by the Words of the Writ, that the Seals of those who are present at the Choice, must be affixed to the Indenture of Election; which the Sheriff is to return into *Chancery* and usually, the Seals of the principal Gentlemen who are present

our Chancery at the Day \*, and Place in the Writ contained."

By Stat. 23 *Hen. 6. c. 14. sect. 1.* "The Mayor and Bailiffs of Cities and Boroughs, shall return the Precept to the Sheriffs by Indentures between the Sheriff and them of the Elections, and of the Names of the Citizens and Burgeses chosen, and thereupon every Sheriff shall make return of such Writ, and

at the Election, are put to the Indenture; together also with some Seals of other Freeholders of less Rank, to testify the Generality of the Opinion of the Freeholders, in the Election. 2 *Mor. Whitel.* 408. The putting of every Man's Hand, who gave his Voice, to the Indenture, is but Matter of Direction (according to Sir *Edward Coke*) which was never done, and yet the Election never therefore thought void. *Debates of the Commons, Oxf. edit.* 1766. p. 23.

\* All the said Knights, Citizens, and Burgeses, are to meet "at the said Day and Place," and to the End it may be known whom the several Counties, Cities, and Boroughs, have elected; and impowered according to this Writ, to serve for them in Parliament: therefore the Sheriff is to send in his Return, "at the said Day and Place." And the full Appearance of the Members of Parliament is held so necessary, that when some of them have failed to be "at the said Day and Place," the Parliament hath for that Cause been adjourned to another Day; and new Summons awarded, for those who were then absent. Sometimes the House hath been called, and the Names of those absent examined before the King; that such as made Default might abide the King's Order, sometimes, because certain Sheriffs had not returned their Writs; the Parliament was adjourned. Sometimes, Fines have been imposed, for not being present "at the Day and Place" appointed; whereof there are precedents; and, of the Adjournment of the Parliament, for absence of the Members. In the beginning of the Parliament Rolls, of very many of them constantly unto this Day, at the first Meeting of the Parliament, the Members are called by Name; and the Appearance of every one of them is recorded. The King usually creates some great Person Lord High Steward for that Day, and for that Purpose; and he makes his [1] Deputies, who sit to receive the Appearance of the Members of the House of Commons, and at this Day, the Appearance is not small as it hath been in Times of Trouble. 2 *Mo. Whitel. on Govern. chap.* 106. *fol.* 395.

[1] For the Form of the Deputation, see Appendix, No. XXXI.



of every Return by the Mayors and Bailiffs to him made. And every Sheriff that doth contrary to these Statutes for the Election of Knights, Citizens, and Burgeses, shall incur the Pain contained in the Statute 8 *Hen. 6. c. 7.* and moreover shall forfeit to every Person chosen Knight, Citizen, or Burges, in his County, and not duly returned, or to any other which in default of such Knight, Citizen and Burges, will sue, one hundred Pounds with Costs; and any Mayor and Bailiffs, &c. who shall return other than those which be chosen by the Citizens and Burgeses, shall forfeit to the King forty Pounds; and moreover shall forfeit to every Person chosen Citizen or Burges, and not returned, or to any other which in default of such Citizen or Burges will sue, forty Pounds, with Costs."

By *Seet. 2.* "Every Sheriff who maketh not true Return of such Elections, shall forfeit to the King one hundred Pounds, and also shall incur the Pain of one hundred Pounds, to him who will \* sue against him, his Executors or Administrators, with Costs."

By Stat. 7 & 8 + *W. 3. c. 7. sect. 1.* "All false Returns wilfully made, of any Member to serve in Parliament, are against Law; and in case any Person shall return any † Member to serve in Parliament for any Place contrary to the last § Deter-

\* Every Knight, Citizen, and Burges, chosen and not returned, shall begin his Action of Debt within three Months after the Parliament commenced, to proceed in the same effectually, and if he do not, another who will sue shall have the Action. *Seet. 3.* If a Sheriff makes a false Return, Debt lies for the one hundred Pounds upon this Statute. *Pl. Com. 118. 130.*

† Perpetuated by 12 *An. sect. 1. c. 15.*

‡ But the Members returned by him are the sitting Members, until the House of Commons, upon a Petition, shall adjudge the Return to false and illegal. *Black. Com. 174.*

§ By Stat. 2 *Geo. 2. c. 24. sect. 4.* "Votes shall be deemed legal, which have been so declared by the last Determination of



mination in the House of Commons, of the Right of Election in such Place, such Return shall be of a false Return."

By *Seet. 2.* "Every Person who shall be duly elected to serve for any Place, on such false Return may sue the Officers and Persons making or procuring the same; or any of them, and shall recover double Damages with Costs."

By *Seet. 3.* "If any Officer shall wilfully, falsely, and maliciously, return more Persons than are required to be chosen by the Writ or Precept, the like Remedy may be had against him, and the Parties that willingly procure the same by the Party grieved."

By *Seet. 4.* "All Contracts and Securities given to procure any Return of any Member, shall be adjudged void; and whoever makes such Contract or Security, or any Gift or Record, to procure such false or double Return, shall forfeit three hundred Pounds, one third Part to his Majesty, another third Part to the Poor of the County or Place concerned, and one third Part to the Informer, with Costs, to be recovered in any of his Majesty's Courts at *Westminster.*"

By *Seet. 5.* "The Clerk of the Crown shall enter in a Book every single and double Return which shall come to his Hands, and every Alteration as shall be made by him or his Deputy in every such Return; to which Book all Persons shall have free Accesses to search and take Copies, paying a reasonable Fee; and the Parties prosecuting such Suit may give in Evidence such Book, or a Copy thereof relating to such false or double Return, and shall have the like Advantage of such Proof as they might have had by producing the Record itself:

of the House of Commons, which Determination concerning any County, City, Borough, Cinque Port or Place, shall be final to all Purposes.

And

And in case the Clerk of the Crown shall not, within six Days after the Return shall come to his Hands, make such Entry, or shall make any Alteration in any Return, unless by Order of the House of Commons, or give any Certificate of any Person not returned, or shall wilfully neglect to perform his Duty in the Premises, he shall forfeit to the Party grieved five hundred Pounds, and lose his Office; and be for ever incapable of holding the same."

By *Seet. 6.* " Every Information or Action grounded upon this Statute, shall be brought within two Years after the Cause of Action shall arise."

The House expects the Sheriff to make a Return according to Law, and will not give him Directions in case of Difficulty; though the Mayor to whom the Precept was directed dies, and yet the Burgeffes go to Election, and Part return one by one Indenture, and the other Part return another by another Indenture. *4 Com. Dig. 29.*

An Action upon the Case lies upon this Statute for a false Return, *Lutw. 185.* If the Plaintiff makes his Case pursuant to the Statute. *Salk. 504. pl.* But an Action upon the Case does not lie since this Statute, where the Return was conformable to the last Determination of the House of Commons. *Lutw. 189.*

By Stat. 7 & 8 W. 3. c. 25. *seet. 2.* " Neither the Sheriff or his Under-sheriff, nor the Mayor, Bailiff, Constable, Port-reeve, or other Officer, of any Borough, &c. to whom the Execution of any Writ or Precept for electing doth belong, shall pay or take any Fee for the making out, Receipt, Delivery, Return, or Execution, of any such Writ or Precept."

By *Seet. 6.* " Every Sheriff, Under-sheriff, Mayor, Bailiff and other Officer, to whom the Execution of any Writ or Precept shall belong  
for

for electing Members, shall forthwith deliver to such as shall desire the same, a Copy of the Poll, paying a reasonable Charge for Writing the same; and every Sheriff, &c. and other Officer to whom the Execution of any Writ or Precept for electing of Members doth belong, for every wilful Offence contrary to this Act shall forfeit to every Party grieved five hundred Pounds, to be recovered by him or his Administrators with Costs."

By Stat. 10 & 11 W. 3. c. 7. *sect.* 1. "The Sheriff or other Officer having the Execution and Return of any Writ for the Choice of a Member, shall, on or before the Day that any Parliament shall be called, and with all convenient Expedition, not exceeding fourteen Days after Election, make return of the same to the Clerk of the Crown in *Chancery* to be filed; and the Sheriff, &c. shall pay to the Clerk of the Crown the ancient Fees of four Shillings, for every Knight of a Shire, and two Shillings for every Citizen, Burgefs or Baron of the *cinque Ports*, and have Allowance thereof in his Account."

By *Seet.* 3. "Every Sheriff, &c. who shall not make the Returns according to this Act, shall forfeit five hundred Pounds, one Moiety to his Majesty, and the other Moiety to him that shall sue for the same, in any of his Majesty's Court at *Westminster*."

## II. S C O T L A N D.

By Stat. 5 Ann c. 8. *sect.* 1. *Art.* 3. "The united Kingdom shall be represented by one Parliament, to be stiled the Parliament of *Great Britain*."

By *Art.* 22. "Sixteen of the Peers of *Scotland*, at the Union, shall be the Number to sit and vote in the House of Lords; and Forty-five Commoners



moners shall be the Number to sit and vote in the House of Commons."

This being premised we will consider this Division under the following Subdivisions, *viz.*

## I. PEERS.

## II. COMMONERS.

### I. Peers.

This Subdivision admits of the following ones, *viz.*

1. *The Qualifications of the Electors.*
  2. *The Qualifications of the elected.*
  3. *The Manner of and Proceedings at the Election.*
1. *The Qualifications of the Electors of the Peers for Scotland.*

By Stat. 5 Ann c. 8. *sect.* 12. "None shall be capable to elect, but such as are twenty-one Years of Age compleat, and Protestants, excluding all Papists, or such who being suspected of Popery, and required, refuse to swear and subscribe the *Formula* \* contained in the third Act made in the eighth and ninth Sessions of King *William's* Parliament for preventing the Growth of Popery; and none shall be capable to elect, except such as are now capable by the Laws of this Kingdom, to elect Commissioners for Shires or Burghs, to the Parliament of *Scotland*."

By Stat. 6 Ann. c. 23. *sect.* 3. "All the Peers, who meet on the Proclamation for electing the sixteen Peers of *Scotland*, shall, before they proceed to the Election, and in the Presence of the Peers

\* Which see in Appendix, N°. XXI.



assembled, take the Oaths of \* Allegiance and † Supremacy, and shall also make and subscribe the ‡ Declaration in Stat. 30 Car. 2. sect. 2. and also take and subscribe the Oath of § Abjuration."

By Sect. 4. "Peers who live in *Scotland*, but not present at such Meeting, may take the Oaths, &c. in any Sheriff's Court in *Scotland*; and every Sheriff or his Deputy, before whom such Oaths, &c. shall be so made, shall return the original Subscription signed by the Peer, and make a Return in Writing under his Hand and Seal to the Peers so assembled of such Peers taking the Oaths, &c. and such Peer shall be thereby enabled to make a || Proxy, or to send a signed List, containing the Names of the sixteen Peers for whom he giveth his Vote: And such of the Peers as reside in *England*, may take the Oaths, &c. in her Majesty's Court of *Chancery*, *Queen's Bench*, *Common Pleas*, or *Exchequer*, in *England*, which being certified by Writ to the Peers in *Scotland* at their Meeting, under the Seal of the Court, shall intitle such Peer to make his Proxy, and to send a signed List; and in case any of the Peers, who before the issuing of such Proclamation have taken the Oaths, &c. to be certified as aforesaid (and if taken in Parliament, to be certified under the Great Seal) shall at the Time of issuing such Proclamation be absent in the Service of her Majesty, such Peer may make his Proxy or send a List."

By Stat. 1 Geo. stat. 2. c. 13. sect. 17. "If any Peer shall vote or make his Proxy, not having

\* See Appendix, N°. III.

† Ibid. N°. IV.

‡ Ibid. N°. V.

§ Ibid. N°. VII.

|| Provided that such Peers of *Scotland* as are also Peers of *England*, shall sign their Proxies by the Title of their Peerage in *Scotland*, sect. 5. No Peer shall be capable of having more than Two Proxies. Sect. 6.

taken and subscribed the Oath of Abjuration, he shall be disabled to vote at any Election."

By Stat. 16 *Geo.* 2. *c.* 11. *sect.* 20. "One Person and no more, shall be intitled to vote, in respect of the same Lands, and where Lands are now holden by any Baron, immediately of the King or Prince, such Baron shall be intitled to vote for those Lands; and no Vassal or Sub-vassal of the said Baron shall have Right to vote in Respect thereof.

## 2. *The Qualifications of the elected Peers for Scotland.*

By Stat. 5 *Ann* *c.* 1. *sect.* 8. *art.* 22. "Every one of the Lords of Parliament in all succeeding Parliaments of *Great Britain*, until that Parliament shall otherwise direct, shall take the Oaths \* appointed to be taken instead of the Oaths of Allegiance and Supremacy by Stat. 1 *W. & M.* *stat.* 1. *c.* 8. and subscribe and repeat the Declaration mentioned in Stat. 30 *Car.* 2. *stat.* and shall take and subscribe the Oath in † Stat. 1 *Ann* *stat.* 1. *c.* 22."

By *sect.* 12. "None shall be capable of being elected, but such as are twenty-one Years of Age compleat, and Protestants, excluding all Papists, or such who being suspect of Popery, and required, refuse to swear and subscribe the *Formula* contained in the third Act made in the eighth and ninth Session of King *William's* Parliament, for preventing the Growth of Popery; and none shall be capable of being elected, except such as are now capable by the Laws of this Kingdom to be elected as

\* For the Form, see Append. N<sup>o</sup>. VII.

† See 6 *Ann* *c.* 7. *sect.* 20, 21.

Commissioners of Shires or Burghs, to the Parliament of *Scotland*."

By Stat. 1 *Geo. stat. 2. c. 13. sect. 17.* " If any Peer shall vote, or make his Proxy, not having taken and subscribed the Oath of Abjuration, he shall be disabled to sue in any Court of Law, or to prosecute any Suit in Equity, or to be Guardian, Executor, or Administrator, or be capable of any Legacy or Deed of Gift, or to be in any Office in *Great Britain*, and shall forfeit five hundred Pounds to him who will sue for the same by way of Summary Complaint, before the Court of Session or Justiciary in *Scotland*."

By Stat. 16 *Geo. 2. c. 11. sect. 20.* " One Person only shall be intitled to be elected, in Respect of the same Lands, and where Lands are now holden by any Baron, immediately of the King or Prince, such Baron shall be capable to be elected for those Lands; and no Vassal or Subvassal of the said Baron shall have Right to be elected in Respect thereof."

*The Manner of & Proceedings at the Election of the Peers for Scotland.*

By Stat. 6 *Ann c. 23. sect. 1.* " When the Crown shall declare its Pleasure for summoning any Parliament; in order to the electing the sixteen Peers of *Scotland*, a \* Proclamation shall be issued under the great Seal of *Great Britain*, commanding all the Peers of *Scotland* to assemble at *Edinburgh*, or such other Place in *Scotland*, and at such Time as shall be appointed in the Proclamation, to elect

\* Every Proclamation for the Purpose aforesaid shall be published at the Market-Cross at *Edinburgh*, and in all the County Towns of *Scotland*, twenty-five Days before the Time appointed for the Meeting of the Peers, *sect. 2.* For Form see Append. N°. XX.

the sixteen Peers to sit and vote in the House of Peers in the Parliament of *Great Britain*. See *Art. 22. in Stat. 5 Ann c. 8. sect. 1.*"

By *Seet. 7.* "At such Meeting of the Peers they shall all give in the Names of the Persons by them nominated to sit and vote in the House of Peers, and the Lord Clerk Register, or two of the principal Clerks of the Session appointed by him to officiate in his Name, shall after the Election is made, certify the Names of the sixteen Peers elected, and sign the same in the Presence of the Peers, which Certificate shall by the Lord Clerk Register, or two of the principal Clerks of the Sessions, be returned into Chancery before the Time appointed for the Meeting of the Parliament."

By *Seet. 11.* "In Case any of the sixteen Peers shall die, or become legally disabled to sit in the House of Peers, her Majesty shall forthwith issue a Proclamation for electing another Peer of *Scotland*, to sit in the House of Peers in the room of such Peer deceased or disabled."

## II. COMMONERS.

This Subdivision admits of the same as those of Peers did, *viz.*

1. *The Qualifications of the Electors.*
2. *The Qualifications of the Elected.*
3. *The Manner of & Proceedings at the Election.*

### 1. *Qualifications of the Electors of the Commoners for Scotland.*

By *Stat. 5 Ann c. 8. sect. 12.* "None shall be capable to elect, but such as are twenty-one Years of  
of



of Age compleat, and Protestants, excluding all Papists, or such who being suspected of Popery, and required, refuse to swear and subscribe the *Formula* \* contained in the third Act made in the eighth and ninth Sessions of King *William's* Parliament, for preventing the Growth of Popery; and none shall be capable to elect, except such as are now capable by the Laws of this Kingdom, to elect as Commissioners for Shires or Burghs to the Parliament of *Scotland*."

By Stat. 12 *Ann stat.* 1. c. 6. *sect.* 1. "No Conveyance or Right, whereupon Infeoffment is not taken, and Seisin registrated, one Year before the *Teste* of the Writs for calling a new Parliament, shall, upon Objection made, intitle the Person infefft to vote, and in case any Election happen during the Continuance of a Parliament, no Conveyance or Right, whereupon Infeoffment is not taken one Year before the Date of the Warrant for making out a new Writ for such Election, shall, upon Objection made, intitle the Person infefft to vote, or be elected at that Election; and any of the Electors, suspecting any Person to have his Estate in Trust, and for the Behoof of another, may require the Preses of the Meeting to tender any † Oath to any Elector; and in Case such Elector refuse to swear and subscribe the Oath, he shall not be capable of voting at such Election."

By *Sect.* 3. No Infeoffment taken upon any redeemable Right (except proper Wadssets, Adjudications, or Apprisings, allowed by the Act of Parliament, relating to Elections in 1681,) shall

\* For the Form, see Append. N°. XXI.

† By *Sect.* 2. Notwithstanding such Oath taken, such other Objections may be made as are allowed by the Laws of *Scotland*, against such Electors.

intitle the Person to vote at any Election in any Shire or Stewartry."

By *Seet. 5.* " The Right of Apparent Heirs in voting by Virtue of their Predecessor's Infeoffments, and the Right of Husbands by Virtue of their Wives Infeoffments, is reserved."

By *Seet. 7.* No Husbands shall vote by Virtue of their Wives Infeoffments, who are not Heiresses, or have not Right to the Property of the Lands."

By Stat. 10 *An. c. 19. seet. 182.* " No Commissioner, Officer, or other Person concerned in the managing any of the Duties granted by this Act (which is a Stamp Act) shall endeavour to persuade any Elector to give, or dissuade him from giving his Vote for his Choice of any Person to be Commissioners, and every Officer, or other Person offending therein, shall forfeit one Hundred Pounds, half to the Informer, and half to the Poor of the Place where the Offence is committed, to be recovered by any Person who shall sue for the same, in the Court of Exchequer in *Scotland*; and every Person convicted on any such Suit, shall be thereby incapable of bearing any Place of Trust."

By Stat. 1 *Geo. stat. 2. c. 13. seet. 4. 17.* " Every Person who shall refuse to take the Oath of \* Abjuration, or being a Quaker, shall refuse to declare the Effect thereof upon his solemn Affirmation, (which Oath and Declaration the Member last Elected for any County, or Stewartry in *Scotland*, or in his Absence, the Sheriff or Steward's Clerk, until a Person be chosen to proceed † in the said Meeting according to *stat. 3 Car. 2. c. 23.* (of *Scottish Acts*) intituled, *An Act concerning the Election of Commissioners for Shires*, and after such Choice the Person so chosen to proceed, or any Person chosen

\* The Form thereof, see Appendix No. VII,

† Examined with the Record.

to proceed in any Meeting of any County or Stew-  
 artry there, in which Rolls for Elections shall hap-  
 pen to be made up, shall administer, at the Re-  
 quest of any Candidate, or other Person present at  
 such Meeting for Election, before, or after choos-  
 ing the President of the Meeting, or making up  
 the Rolls, shall not be capable of giving any Vote  
 for the Election of a President of the Meeting,  
 making up the Rolls, or if any Member to serve in  
 the House of Commons for any Place in *Scotland*,  
 or Commissioner to choose a Burgefs for any Place  
 there.

By Stat. 7 *Geo. 2. c. 16. sect. 2.* " Every Free-  
 holder who shall claim to vote at an Election, or in  
 adjusting the Rolls of Freeholders, instead of the  
 Oath appointed by 12 *Ann stat. 1. c. 6. sect. 1.*  
 shall upon Request of any Freeholder formerly in-  
 rolled, take and subscribe the Oath, N<sup>o</sup>. XXII. in  
 the Appendix.

By *Seet. 3.* " In Case he refuse, his Name shall  
 be erased out of the Roll of Freeholders; and in  
 Case any Person shall wilfully and falsely swear, and  
 subscribe the said Oath, he shall incur the Punish-  
 ment of Perjury, according to the Laws in *Scotland.*"

By *Seet. 11.* " The Borough of *Wigtoun* shall  
 preside at the Election of a Member, to represent  
 that District in the next Parliament."

By Stat. 16 *Geo. 2. c. 11. sect. 2.* " Such Per-  
 sons as stand upon the Roll last made up by the  
 Freeholders, whether at the *Michaelmas* Meeting,  
 or at the last Election of a Member to serve in Par-  
 liament, shall be the original constituent Members  
 at their next *Michaelmas* Meeting, or Meeting for  
 Election, to revise the said Roll."

By *Seet. 3.* " Any Freeholder upon the Roll,  
 may object to the Title of any Person who stands at  
 present upon the Roll last made up, and for that  
 Purpose apply at any Time before the first of *De-*  
 cember,



ember, 1743, by summary Complaint to the Court of Sessions, who shall grant a Warrant for summoning such Persons upon thirty Days Notice, and shall in a summary Way, hear and determine such Complaint; and if no such Complaint be exhibited within the Time aforesaid, then no Freeholder, who at present stands upon the Rolls last made up shall be struck off, or left out of the Roll, except upon Objections arising from the Alteration of that Title, in Respect of which he was inrolled, sustained by the other Freeholders upon the Roll."

By *Seet. 4.* " If at any *Michaelmas* Meeting, or Meeting for Election, any Person shall by Judgment of the Freeholders be refused to be admitted, or be struck out of the Roll, he may apply within four Kalendar Months by summary Complaints to the Court upon whose Objection he was refused or struck off, upon thirty Days Notice to answer, and shall hear and determine in a summary Way on such Complaint; and if any Person be inrolled, whose Title shall be thought liable to Objections, any Freeholder upon the said Roll (whether present at the Meeting or not) may apply in like Manner by Complaint to the Court of Session within four Kalendar Months, and the said Court, after service of such Complaint on thirty Days Notice upon the Person said to be wrongfully admitted to the Roll, shall hear and determine; and if no such Complaint be exhibited within the Time aforesaid, the Freeholder inrolled shall continue upon the Roll, until an Alteration of his Circumstances be allowed by the Freeholders at a subsequent *Michaelmas* Meeting, or Meeting for Election, as a sufficient Cause for striking him out of the Roll."

By *Seet. 5.* " If in any of the aforesaid Cases the Judgment of the Court of Session, shall alter or reverse the Determination of the Meeting of the Freeholders, the Sheriff or Steward's Clerk shall, upon



upon presenting to him the Extract of such Judgment, forthwith make the Alteration directed in the Books kept by him; and in case of refusal or delay, he shall forfeit one Hundred Pounds Sterling to the Person in whose favour the Judgment of the Court is given, to be recovered by him or his Executors.

By *Sett.* 6. "If the Judgment of the Freeholders refusing to admit, or striking off any Persons from the said Roll be affixed by the Court of Session, the Person complaining shall forfeit to the Objector the Sum of thirty Pounds Sterling, with Costs.

By *Sett.* 7. "Every Freeholder who intends to claim to be inrolled at any *Michaelmas* Meeting of the Freeholders, shall two Kalendar Months at least before the said Meeting, leave with the Sheriff or Steward's Clerk, a Copy of his Claim, setting forth the Names of his Lands and his Titles thereto, and Dates thereof, with the old Extent upon which he desires to be inrolled, and in case of his neglect he shall not be inrolled at such Meeting; and in like Manner, whoever intends to object to any Freeholder who stands upon the Roll, on account of the Alteration of his Circumstances, shall at least two Kalendar Months before the *Michaelmas* Meeting, leave his Objections in Writing, with the Sheriff or Steward's Clerk, who shall, upon receipt of the aforesaid Claim or Objections, indorse thereon, the Day he received the same, and also give a Copy to any Person, upon paying the legal Fee of an ordinary Extract of the same Length."

By *Sett.* 8. "No Person shall be intitled to vote for a Commissioner to serve in Parliament for any Shire or Stewartry in *Scotland*, or to be inrolled in respect of the old Extent of his Lands holden of the King or Prince, unless such old Extent is proved by a Retour of the Lands of a Date prior to the

the sixteenth of *September*, 1681; and no Division of the old Extent made since the said sixteenth of *September*, 1681, by Retour or any other Way shall be sustained as Evidence of the old Extent."

By *Seet.* 9. "Lands holden of the King or Prince liable in public Burdens, for four hundred Pounds Scots, of valued Rent, shall be a sufficient Qualification, whatever be the old Extent of the said Lands."

By *Seet.* 10. "No Purchaser or single Successor, shall be inrolled till he be publicly infeast, and his Seisin registered, or Charter of Confirmation be expedite (where Confirmation is necessary) one Year before the Inrolment; and no Heir-apparent shall be inrolled, until his predecessor's Titles are produced and allowed by the Freeholders; and any Person may be inrolled, though absent, provided the Titles and Vouchers of his Qualification are produced before the Freeholders."

By *Seet.* 11. "At the annual Meetings of Freeholders at *Michaelmas*, the original Constituent Members shall be such only as stand upon the Roll last made up, at a *Michaelmas* Meeting for an Election of a Member to serve in Parliament, and a Copy signed and extracted of the Roll made up at the *Michaelmas* Meetings, or Meetings for Elections, together with the Minutes of the Proceedings, shall by the Clerks of such Meetings be delivered to the Sheriff or Steward's Clerk *gratis*, and shall be inserted in Books to be kept by the said Sheriff or Steward's Clerk for that purpose, who shall deliver Copies of the same extracted and signed to any Freeholder paying the legal Fee for an ordinary Extract of the same Length, and shall at every subsequent Meeting produce the said Books, for the Use of the Freeholders; and in case such Sheriff or Steward's Clerk neglect or refuse to enter the aforesaid Rolls of Election, or Minutes  
of

of Proceedings into Books so to be kept, or to give Copies thereof extracted and signed, or to produce the Books at any subsequent Meeting, he shall for every such Offence forfeit one hundred Pounds Sterling, to be recovered by any Freeholder within such Shire or Stewarty; and if the aforesaid principal Books be not produced, a Copy of the said Roll and Minutes, extracted and signed by the Sheriff or Steward's Clerk, shall be sufficient; and if the Sheriff or Steward's Clerk give false Copies of the said Roll or Minutes, he shall for every such Offence forfeit one hundred Pounds Sterling, to the Person to whom the false Copy is given, to be recovered by him or his Executors, and shall be incapable of holding his said Office."

By *Seet. 12.* "At every Election for any Shire or Stewartry in *Scotland*, the Roll of Electors last made up, whether at the *Michaelmas* Meeting, or at the last Election, shall be the Roll to be called over by the Commissioner last elected, or in his absence by the Sheriff or Steward's Clerk, in order to the Election of Preses and Clerk, as also by the Preses after he is chosen, for the choice of the Member, and for the Determination of all Questions in adjusting the Roll, and in the Course of the Election, excepting so far as the said Roll shall after the Choice of Preses and Clerk be altered by Judgment of the Freeholders standing on that Roll."

By *Seet. 19.* "In the Shire of *Sutherland* no Person shall vote at such Election unless he be in seoft and in possession of Lands liable to his Majesty's Supplies, and other public Burthens, at the Rate of two hundred Pounds *Scots*, valued Rent."

By *Seet. 20.* "One Person only shall be intituled to vote, in respect of the same Lands; and where Lands are now holden by any Freeholder immediately



ately of the King or Prince, such Freeholder shall be intitled to vote for those Lands; and no Vassal, or Subvassal of the said Freeholder shall have Right to vote, in respect thereof; and where Lands are now holden or shall hereafter be holden of the King or Prince, by a Peer or other Person, or Body Politic, who by Law are disabled to be a Member of the House of Commons, or to vote in such Elections, the Proprietor of such Lands, and not any of his Superiors, shall be intitled to vote in respect of the same Lands; and no Alienation of the Superiority by such Peer, &c. shall deprive the Proprietor of his Right to vote in the said Shire; nor intitle the Purchaser of the Superiority to vote; and the Property of Lands of the Valuation aforesaid, holden in Part of the King or the Prince, and in Part of a Peer, or other Person, or Body Politic incapable to elect, or to be elected, shall be a Qualification to the Proprietor to vote."

By *Seet. 25.* "The Magistrates and Counsellors or Royal Boroughs in *Scotland*, may take and subscribe the Oath of Allegiance, subscribe the Assurance, and take and sign the Oath of Abjuration, before the Counsel of their respective Boroughs."

By *Seet. 29.* "It is no Objection to any Commissioner for choosing a Burgess, that he is not a Residenter within the Borough, bearing all portable Charges with his Neighbours, or that he is no trafficking Merchant therein, or that he is not in Possession of any Burgage Lands or Houses holding of the Borough, and such Qualifications need not be engrossed in his Commission."

By *Seet. 33.* "The Electors of Commissioners for any Royal Borough in *Scotland*, for chusing Burgesses to Parliament, are within the Meaning of the 2 *Geo. 2. c. 24.* to be considered as the Electors of the Member to serve in Parliament."

By *Seet. 34.* "At every Election of Commissioners



sioners for choosing Burgeses of the several Districts of Boroughs in *Scotland*, and at the Election of a Burgess to serve in Parliament for the City of *Edinburgh*, every Magistrate, Town Counsellor or Person, having or claiming a Right to vote, instead of the Oath prescribed by the said Act, shall take the Oath [in Appendix, N<sup>o</sup>. XXIII.] in case the same be demanded by any of the Electors ; and which any of the Magistrates, or in their absence, any of the Town Counsel shall administer.”

## 2. *The Qualifications of the elected Commoners for Scotland.*

By Stat. 5 *Ann* c. 8. *sect.* 1. *art.* 22. “ Every Member of the House of Commons, in all succeeding Parliaments of *Great Britain*, until the Parliament of *Great Britain* shall otherwise direct, shall take the Oaths \* appointed to be taken instead of the Oaths of Allegiance and Supremacy, by 1 *Will.* and *Mar. stat.* 1. c. 8. and subscribe and repeat the Declaration mentioned in 30 *Car.* 2. *stat.* 2. and shall take and subscribe the Oath mentioned in 1 *Ann stat.* 1. c. 22.”

By Stat. 5 *Ann.* c. 8. *sect.* 12. “ None shall be capable of being elected, but such as are Twenty-one Years of Age compleat, and Protestants, excluding all Papists, or such as being suspected of Popery, and required, refuse to swear and subscribe the *Formula* † contained in the third Act made in the eighth and ninth Session of King *William*’s Parliament, for preventing the Growth of Popery ; and none shall be capable to be elected, except such as are now capable by the Laws of

\* The Forms of these Oaths are altered by Stat. 1 *Geo.* 2. *stat.* 2. c. 13. *sect.* 1, 2, 3. See Appendix, N<sup>o</sup>. VII.

† See Appendix, N<sup>o</sup>. XXI.

this Kingdom to be elected as Commissioners for Shires or Boroughs to the Parliament of *Scotland*."

By Stat. 12 *Ann stat.* 1. c. 6. *sect.* 1. "No Conveyance or Right, whereupon infeoffment is not taken, and Seisin registrated, one Year before the *Teste* of the Writs for calling a new Parliament, shall, upon Objection made, entitle the Person infest to be elected in any Shire or Stewartry in *Scotland*; and in case any Election happen during the continuance of Parliament, no Conveyance or Right, whereupon Infeoffment is not taken one Year before the Date of the Warrant for making out a new Writ for such Election, shall, upon Objection made, intitle the Person infest to be elected at that Election; and any of the Electors, suspecting any Person to have his Estate in Trust, and for the behoof of another, may require the *Preses* of the Meeting to tender an \* Oath to any Elector; and in case such Elector refuse to swear, and subscribe the Oath, he shall not be capable of being elected at such Election."

By *Sect.* 3. "No Infeoffment taken upon any redeemable Right (except proper Wadsetts, Adjudications or Apprisings, allowed by the Act of Parliament relating to Elections in 1681.) shall intitle the Person to be elected in any Shire or Stewartry."

By Stat. 7 *Geo.* 2. c. 16. *sect.* 4. "No Judge of the Court of Session, or Justiciary, or Baron of the *Exchequer* in *Scotland*, shall be capable of being elected a Member of the House of Commons."

By Stat. 16 *Geo.* 2. c. 11. *sect.* 10. "If any Person be chosen a Member to serve in Parlia-

\* By *Sect.* 2. "Notwithstanding such Oath taken, it shall be lawful to make such other Objections as are allowed by the Laws of *Scotland*, against such Electors.

ment, for any Shire or Stewartry in *Scotland*, who shall not be present at the Meeting of Election; the Member so elected before he takes his seat in Parliament shall take the Oath appointed to be taken by Stat. 7 *Geo.* 2. c. 16. *sect.* 2. before the Lord Steward of his Majesty's Household, or any Person authorized by him; and if a Member so elected, neglect or refuse to take the aforesaid Oath, such Election shall be void: And by Stat. 1 *Geo.* stat. 2. c. 13. *sect.* 17. such Member shall be disabled to sue in any Court of Law, or to prosecute any Suit in Equity, or to be Guardian, Executor, or Administrator, or be capable of any Legacy or Deed of Gift, or be in any Office in *Great Britain*, and shall forfeit five hundred Pounds, to him who will sue by way of summary Complaint, before the Court of Sessions or Justiciary in *Scotland*. See Stat. 13 *Will.* 3. c. 6. *Seet.* 10, 11."

By *Seet.* 19. "In the Shire of *Sutherland* no Person shall be elected Commissioner for the said Shire, unless he be infeft and in Possession of Lands liable to his Majesties Supplies, and other public Burthens, at the Rate of two hundred Pounds *Scots*, value Rent."

By *Seet.* 20. "One Person only shall be intitled to be elected, in respect of the same Lands; and where Lands are now holden by any Freeholder immediately of the King or Prince, such Freeholder shall be capable to be elected for those Lands; and no Vassal or Subvassal of the said Freeholder shall have Right to be elected in respect thereof; and where Lands are now holden or shall hereafter be holden of the King or Prince, by a Peer or other Person, or Body Politic who by Law are disabled to be a Member of the House of Commons, the Proprietor of such Lands, and not any of his Superiors, shall be intitled to be elected in respect of the same Lands; and no alienation of  
the



the Superiority by such Peer, &c. shall deprive the Proprietor of his Right to be elected, nor intitle the Purchaser of the Superiority to be elected; and the Property of Lands of the Valuation aforesaid, holden in Part of the King or Prince, and in Part of a Peer, or other Person, or Body Politic incapable to elect or to be elected, shall be a Qualification to the Proprietor to be elected for the said Shire."

By *Seet. 23.* "No Person elected Magistrate or Counsellor by a Minority shall act as Magistrate or Counsellor; and if any Person notwithstanding presume to act, he shall for every such Offence forfeit one hundred Pounds Sterling, to the Magistrates or Counsellors elected by the Minority, or to any of them who shall sue for the same."

By *Stat. 33 Geo. 2. c. 20. seet. 3.* "That Act requiring Members in future before they act, to deliver in at the Table, while the House is sitting, a signed Schedule of their respective Qualifications, shall not extend to the Members for *Scotland.*"

### 3: *The Manner of & Proceeding at the Election of the Commons for Scotland.*

By *Stat. 16 Geo. 2. c. 11. seet. 40.* "When any new Parliament shall be called, the Lord Chancellor shall issue Writs for Election of Members to serve in Parliament for *Scotland* with as much expedition as may be; and in that Case, or in case of any vacancy during any Parliament, the Writs shall be delivered to the Sheriff to whom the Execution thereof belongs; and every such Sheriff or Steward shall indorse thereon the Day he received the same, and shall within four Days after the Receipt thereof, make out a Precept to each Borough within his Jurisdiction, to elect a Commissioner for chusing a Burgess to serve in Parliament, and shall



shall cause the same to be delivered to the chief Magistrate of such Borough, resident in the Borough; and in case such Sheriff or Steward neglect to indorse on the Writ the Day he received the same, or to make out his Precept, and to deliver the same to the chief Magistrate, he shall for every such Offence forfeit one hundred Pounds Sterling, to any Magistrate of the Borough to which the Precept is not *timously* \* delivered, who shall sue for the same."

By *Señ. 41.* "Such chief Magistrate to whom the Precept shall be delivered, shall indorse thereon the Day he received the same, and within two Days shall summon the Council of the Borough together, by giving Notice personally, or leaving notice at the Dwelling-place of every Counsellor then resident in that Borough, which Council shall then appoint a peremptory Day for the Election of a Commissioner for choosing a Burgesses to serve in Parliament."

By *Señ. 42.* "Two free Days shall intervene betwixt the Meeting of the Council which appoints the Day of Election of the said Commissioners, and the Day on which the Election of the Commissioner is to be made; and in case such chief Magistrate neglect to indorse the Day he received the Precept on the back thereof, or to summon the Council within the Time above directed, he shall for every such offence forfeit one hundred Pounds Sterling to any Magistrate or Counsellor of the said Borough, who shall sue for the same."

By Stat. 6 *Ann c. 6. señ. 5.* "When any Parliament shall be summoned, the forty-five Repre-

\* Lord Bacon makes use of the Word *timous* in this Sense, but not the Adverb *timously*; so observe that you now have an Authority much superior to Lord Bacon's, to use the Adverb *timously*, to mean, *in due Time*.

sentatives of *Scotland* in the House of Commons, shall be elected by Writs under the Great Seal of *Great Britain*, directed to the several Sheriffs and of the respective Shires and Stewartries, and the said Sheriffs and Stewarts shall, on Receipt of such Writs, forthwith give Notice of the Time of Election for the Knights or Commissioners for their Shires or Stewartries, and at such Time of Election the several Freeholders shall meet at the head Burghs of their Shires and Stewartries, and proceed to the Election of their Commissioners or Knights, or the Clerks of the said Meetings immediately after the Elections, shall return the Names of the Persons elected to the Sheriff or Stewart, who shall annex to it his Writ, and return it into the Court out of which the Writ issued. And as to the Manner of Election of the fifteen Representatives of the Royal Boroughs, the Sheriff of the Shire of *Edinburgh* shall, on the Receipt of the Writ directed to him, forthwith direct his Precept to the Lord Provost of *Edinburgh*, to cause a Burgefs to be elected for that City; and on Receipt of such Precept, the City of *Edinburgh* shall elect their Member, and their common Clerk shall certify his Name to the Sheriff of *Edinburgh*, who shall annex it to his Writ, and return it; and as to the other Royal Burghs divided into fourteen Districts, the Sheriffs or Stewarts of the several Shires and Stewartries, shall on the Receipt of their Writs, direct their Precepts to every Royal Borough, reciting the Contents of the Writ, and the Date thereof, and commanding them forthwith to elect each of them a Commissioner, and to order the said Commissioners to meet at the presiding Borough of their District (naming the Borough) upon the thirtieth Day after the *teste* of the Writ, unless it be *Sunday*, and then the Day after, and then to chuse their Burgefs for the Parliament; and the common Clerk of the presiding Borough shall immediately

mediately after the Election return the Name of the Person elected to the Sheriff or Stewart of the Shire or Stewartry wherein such presiding Borough is, who shall annex it to his Writ, and return it, and in case a Vacancy shall happen in time of Parliament, by the Decease or legal incapacity of any Member, a new Member shall be elected in his Room, conformable to the Method herein appointed: and in case such Vacancy be of a Representative for any one of the said fourteen Districts or Royal Boroughs, that Borough which presided at the Election of the deceased or disabled Member, shall be the presiding Borough at such new Election."

By *Seet. 6.* " Upon the issuing of Writs of summons for the electing of a Parliament, if any Shire or Stewartry, wherein a Royal Borough is, hath not then a Turn or Right to elect a Commissioner, or Knight of the Shire for that Parliament, it shall be omitted out of the Writ directed to such Sheriff or Stewart, to cause a Commissioner for that Shire to be elected."

By *Stat. 12 Ann stat. 1. c. 6. seet. 4.* " All Sheriffs of Shires and Stewarts of Stewartries shall be obliged (under the Pain of fifty Pounds, one Moiety to the Queen, and the other to the Person who shall sue, to be recovered before the Court of Session, by any Action summarily, without abiding the Course of the Roll) to make the public Intimations required by the Laws of *Scotland* at the Parish Churches, at least three Days before the Dyet of Elections."

By *Stat. 7 Geo. 2. c. 16. seet. 1. and by stat. 16 Geo. 1. c. 11. seet. 16.* " If the Clerk of any Meeting of Freeholders for the Election of a Commissioner to serve in Parliament for any Shire or Stewartry in *Scotland*, shall wilfully return to the Sheriff or Stewart any Person, other than him who



shall be duly elected, or if any other Person pretending to be Clerk, shall return any Person as elected, who shall not be duly elected, the Party offending shall forfeit \* five hundred Pounds, to be recovered by the Candidate elected."

But *quere* whether the first Clause in Stat. 7 Geo. 2. is in Force at this Day, since by Stat. 16 Geo. 2. c. 11: *sect.* 14. " The Persons chosen to be *Preses* and Clerk by the Majority of the Freeholders present on the said Roll, shall be *Preses* and Clerk of the Meeting for such Election; and no Freeholders shall separate from the Majority of the Persons present upon the Roll, or set up any Person as *Preses* or Clerk other than those chosen by the Majority, and no Person shall act as *Preses* or Clerk at any such Election, unless they are chosen by the Majority of the Persons on the Roll; and every Freeholder who shall so separate from the Majority, and set up any Person as *Preses* or Clerk other than those chosen by the Majority, shall for every such Offence forfeit fifty Pounds Sterling, to the Candidate who shall be chosen by the Majority, to be recovered by him or his Executors; and if any Person presume to act as *Preses* or Clerk, who is not chosen by the Majority of the Freeholders present on the Roll, he shall for every such Offence forfeit two hundred Pounds Sterling to the Candidate who shall be chosen by the Majority to be recovered by him or his Executors."

\* By Stat. 16 Geo. 2. c. 11. *sect.* 30. " If he neglect or refuse to return such Persons, or returns any other Person, he shall, for every such Offence, instead of the Penalty inflicted by Stat. 7 G. 2. c. 16. *sect.* 1. forfeit five hundred Pounds Sterling to the Candidate elected by the Majority, to be recovered by by him or his Executors, and he shall also suffer Imprisonment for six Kalendar Months, and be disabled to hold his said Office of common Clerk of the said presiding Borough. It seems that *instead of*, should be *besides*. See Stat. 7 Geo. 2. c. 11. *sect.* 8. for the Recovery of Penalties, see *sect.* 6. 9, and 10. of the same Statute."



By Stat. 16 Geo. 2. c. 11. *sect.* 28. "Whereas by an Act of Parliament in *Scotland*, of the fifth of *February*, 1707, it is enacted, that where the Votes of the Commissioners for the Boroughs meet to choose Representatives shall be equal, the President of the Meeting shall have a casting Vote, but no Provision is made in case of the Absence of the Commissioner from the presiding Borough, or of his refusing to vote, be it enacted, that if the Commissioner from the presiding Borough be absent from the Meeting of Commissioners for choosing Burgesses to serve in Parliament, or refuse to vote, the Commissioner from the Borough which was the presiding Borough, at the last Election, and if he also be absent or refuse to vote, the Commissioner from the Borough, which was the presiding Borough at the Election immediately preceding the last, and in case he be absent or refuse to vote, the Commissioner from the Borough which was the last presiding Borough but Two, shall have besides his own Vote the casting Vote."

By *Seet.* 30. "At all Meetings of Commissioners for choosing Burgesses to serve in Parliament, the common Clerk of the presiding Borough shall allow the Votes of such Persons only who produce Commissions, authenticated by the Subscription of the Common Clerk, and the Common Seal of the respective Boroughs, and shall return to the Sheriff or Steward, the Person elected by the Major Part of such Commissioners."

By *Seet.* 32. "If any Person to whom any Commission is made as aforesaid, insist that he was duly elected Commissioner for any Royal Borough, he shall be admitted to the Meeting of the Commissioners for choosing Burgesses to serve in Parliament, and may there make offer of taking the Oaths, and declare for whom he would have voted: which Oaths the Clerk of the presiding Bo-

rough shall administer, and shall set down in the Minutes of the Proceedings the Declaration of such Person, but shall not receive him as a legal Voter or such Declaration as a legal Vote."

By *Seet.* 43. "Every Penalty or Forfeiture by this Act imposed in *Scotland*, shall be sued for and recovered by way of summary Complaint before Court of Session, upon thirty Days Notice to the Person complained of, without abiding the Course of any Roll; which Complaint the Court of Session shall determine, and declare the disabilities and incapacities, and direct the Imprisonments, as herein provided."

By *Seet.* 44. "No Person shall be liable to any Incapacity, Disability, Forfeiture, or Penalty, by this Act imposed in *Scotland*, unless Prosecution be commenced within one Year such Incapacity, &c. incurred."

By *Seet.* 13 "At every Meeting for the Election of a Commissioner to serve in Parliament, if the Commissioner last elected, or in his absence the Sheriff or Steward's Clerk, shall, in the Choice of *Preses* or Clerk, receive the Vote of any Person not upon the Roll, he shall, for every such Offence forfeit three hundred Pounds Sterling, to every Candidate for the Office of *Preses* or Clerk, for whom such Person shall not have given his Vote, to be recovered by him, or if the Commissioner last elected, or the Sheriff or Steward's Clerk, shall in the Choice of *Preses* or Clerk, not call for, or refuse the Vote of any Person whose Name is upon the Roll, he shall for every such Offence forfeit three hundred Pounds Sterling to the Person whose Name shall not be called for, or whose Vote shall be refused, to be recovered by him or his Executors; and if the *Preses* in the Election of the Member to serve in Parliament, receive the Vote of any Person not  
upon

upon the Roll, he shall for every such Offence forfeit two hundred Pounds Sterling, to every Candidate for whom such Person shall not have given his Vote, to be recovered by him or his Executors, or if the *Preses* shall in the Election of the Member, not call for or refuse the Vote of any Person whose Name is upon the Roll, he shall for every such Offence, forfeit two hundred Pounds to him whose Name shall not be called for, or whose Vote shall be refused, to be recovered by him or his Executors: And in case of equality of Votes in the Choice of *Preses* or Clerk, the Commissioner last elected, and in his absence any Freeholder present who last represented the Shire or Stewartry in any former Parliament, and if no such Person is present, the Freeholder present who presided last at any Meeting for any Election, and in his absence the Freeholder who last presided at any *Michaelmas* Meeting, and if none of the said Persons be present, the Freeholder present who stands first on the Roll, shall, besides their own Votes, have the casting Vote; and the *Preses* chosen shall, in the Choice of the Commissioner to serve in Parliament, and all other Questions where where the Votes are equal, in like Manner, besides his own Vote, have the casting Vote."

By *Seet. 15.* "The Commissioner last elected, or in his absence the Sheriff or Steward's Clerk, shall sign the Minutes of the Election of *Preses* and Clerk, and deliver the same to the Clerk chosen as aforesaid; and if the Commissioner last elected, or the Sheriff or Steward's Clerk, neglect or refuse to sign the said Minutes, and deliver the same to be chosen as aforesaid, or sign false Minutes, he shall for every such Offence forfeit one hundred Pounds Sterling to the *Preses* to be recovered by him or his Executors."

By *Seet. 17.* "Every Sheriff or Steward in *Scotland*, upon producing to him a Copy of the Roll



last made up by the Freeholders at the last *Michaelmas* Meeting, or at the last Election, extracted and signed by the Sheriff or Steward's Clerk, and the original Minutes of the Election of *Preses* and Clerk signed by the Commissioner last elected, or in his absence by the Sheriff or Steward's Clerk, shall annex to the Writ the Return made by the Clerk, chosen by the Majority of the Freeholders on the Roll; and if any Sheriff or Steward neglect or refuse to annex to the Writ such Return, or shall annex the Return made by any other Person pretending to be Clerk, he shall for every such Offence, instead of the Penalty inflicted by 7 *Geo.* 2. c. 16. *sect.* 1. forfeit five hundred Pounds Sterling, to the Person returned by the Clerk and chosen by the Majority of the Freeholders, to be recovered by him or his Executors."

By *Sect.* 18. "Every Sheriff or Steward in *Scotland*, shall hold the *Michaelmas* head Court on the Day on which it has been most usually held, and every Sheriff or Steward shall fourteen Days before *Michaelmas* next, appoint a Day for holding his *Michaelmas* head Court, in the Year 1743; and the Day so appointed before *Michaelmas* next, shall be the Anniversary for holding the *Michaelmas* head Court of the said Shire or Stewartry in all Time coming."

By *Sect.* 21. "The Freeholders and Proprietors having Right to elect, or to be elected, for the Shire of *Sutherland*, shall meet at the head Borough of the said Shire, at the *Michaelmas* head Court in the Year 1745, and shall make up a Roll of the Electors having Right to vote in the Terms of this Act, and of the other Acts touching the Election of Commissioners for Shires in *Scotland*; which Roll, so made up, shall be revised yearly at the *Michaelmas* Meeting, and at after Elections; and the said Acts shall extend to the Shire of *Sutherland*



*land* as well as to the Shires in *Scotland*, except so far as is otherwise \* provided in this Act.

By *Seet.* 22. “ At the anual † Election of Magistrates and Counsellors in Boroughs, and in all the Proceedings previous to such Election, the Minority either of Magistrates or Counsellors, or Deacons, or other Persons who have Votes in the Election of Magistrates or Counsellors, shall not separate from the Majority ; nor make any separate Election of Magistrates, Counsellors or Electors ; and if any Person elected by the Minority presume to vote in the Election of Magistrates or Counsellors, or in electing the Magistrates or Counsellors, or in any other Step of the Election, he shall forfeit one hundred Pounds Sterling, to any One of the Majority of such Meeting.”

By *Seet.* 24. “ Any constituent Member at any Meeting for Election of Magistrates or Counsellors, or of any Meeting previous thereto, who apprehends any wrong to have been done by the Majority of such Meeting, may apply to the Court of Session by a summary Complaint for rectifying such Abuse, or for making void the Election by the Majority, or for ascertaining the Election by the Minority, so as such Complaint be presented within two Kalendar Months after the annual Election of the Magistrates and Counsellors ; and the said Court shall thereupon grant a Warrant for summoning the Magistrates and Counsellors elected by the Majority, upon thirty Days Notice, and shall hear and determine the said Complaint summarily, without abiding the Course of any Roll, and shall allow to the Party who shall prevail, their Costs.”

\* See *Seet.* 19. of this Act, in P. 79.

† Stat. 2 Geo. 2. c. 24. is to be read by the Sheriff, &c. after reading the Writ, at the annual Election of Magistrates and Town Counsellors for every Borough in *Scotland*. See *Seet.* 9. of the same Statute,

By *Seet.* 26. " At every Election of Commissioners for chusing Burgeffes for any District of Boroughs in *Scotland*, the Common-clerk of each Borough shall make out a Commission to the Person chosen by the Major Part of the Magistrates and Town-council; which Magistrates and Town-council shall take the Oath of Allegiance, and sign the same with the Assurance, and shall take all the the other Oaths appointed to be taken at such Election by this or any former Act, if required; and the said Clerk shall affix the Common Seal of the Borough thereto, and sign such Commission, and shall not make out a Commission for any Person as Commissioner, other than him who is chosen by the Majority; and if any Common-clerk of any Borough neglect or refuse to make out such Commission, or to make out a Commission to any other Person, he shall for every such Offence forfeit five hundred Pounds Sterling to the Person elected Commissioner, to be recovered by him or his Executors, and shall suffer Imprisonment for six Kalendar Months, and be disabled to hold the said Office of Common-clerk of the said Borough."

By *Seet.* 27. " If any Person who is not the Common-clerk of the Borough, take upon himself to act as such in any Election of a Commissioner for chusing a Burgeffs fbr any District of Boroughs in *Scotland*, and make out a Commission for any other Person as Commissioner, other than the Person chosen by the Majority, and sign or affix the Common Seal of the Borough thereto, he shall for every such Offence forfeit five hundred Pounds Sterling, to the Commissioner for the said Borough, to be recovered by him or his Executors."

By *Seet.* 31. " Every Sheriff or Steward in *Scotland* shall annex the Writ the Return made by the said Clerk of the presiding Borough; and if any such

such Sheriff or Steward neglect or refuse so to do, or if he annex to the Writ any Return made by any other Person, he shall for every such Offence, instead of the Penalty inflicted by 7 *Geo. 2. c. 16. sect. 48.* forfeit five hundred Pounds to the Candidate returned by the aforesaid Clerk of the presiding Borough, to be recovered by him or his Executors."

By *Seet. 35.* "In all Elections of Commoners for chusing Burgesses, and before they proceed to Election, the common Clerk of each Borough shall take and subscribe the Oath (N<sup>o</sup>. XXV. of Appendix) which any of the Magistrates, or in their Absence, any two of the Town Council shall administer."

And at all Meetings for chusing Burgesses to serve in Parliament, before they proceed to the Election, the Clerk of the presiding Borough shall take and subscribe the Oath (N<sup>o</sup>. XXIV. of Appendix) which the Commissioner for the presiding Borough, or in his Absence, any other of the Commissioners shall Administer.

By *Seet. 36.* "If the Clerk of the presiding Borough neglect, or refuse to take the Oath aforesaid, he shall be incapable to act as Clerk to the said Meeting; and the said Commissioners shall choose another Clerk."

By *Seet. 37.* "At all Elections of a Member to serve in Parliament for any County, or Stewartry, in *Scotland*, the Clerk shall after his Election, take and subscribe the Oath (N<sup>o</sup>. XXV. of Appendix) which the *Preses* of the Meeting shall administer."

By *Seet. 39.* "If any Person presume wilfully and falsely to swear and subscribe any of the Oaths required to be taken by this Act, and be convicted, he shall incur the Pains and Punishments of Perjury, and be prosecuted according to the Laws of *Scotland.*"



III. W. A. L. E. S. By Stat. 35 Hen. 8. c. 11. sect. 3. "The Bur-

gesses of all the Cities and Towns in the twelve Shires in *Wales* and County of *Monmouth*, which be contributory to the Burgeses Wages of the Shire Towns, shall be admonished by Proclamation, or otherwise by the Mayors, Bailiffs, or other head Officers, to come and give their Elections for the said Burgeses at such Time and Place reasonable, as shall be assigned by the Mayors, &c. of the Shire-Towns, in which Elections, the Burgeses shall have like Voices to elect the Burgeses of the Shire-Towns, as the Burgeses of the Shire-Towns have." See Stat. 18 Geo. 2. c. 18. sect. 12. 31 Geo.

2. c. 14. 3 Geo. 3. c. 15.



DETERMINATIONS  
OF THE  
HONOURABLE HOUSE  
OF  
COMMONS,  
CONCERNING  
ELECTIONS,  
AND ALL THEIR  
INCIDENTS;  
AS

The Issuing of the WRIT, the Taking of the POLL, the  
SCRUTINY, the RETURN, the Qualifications of the  
ELECTORS and ELECTED, OATHS to be taken,  
RIGHTS of ELECTION in the several CITIES and  
BOROUGHs, EVIDENCE proper on HEARING, DIS-  
QUALIFICATION by OFFICES, BRIBERY, TREAT-  
ING, RIOTS.

THE WHOLE  
DIGESTED UNDER PROPER TITLES;

ALSO  
A TABLE OF THE PRINCIPAL MATTERS;

---

THE FOURTH EDITION,  
Continued down to the End of the Session of Parliament, 1767.

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L O N D O N :

Printed for W. OWEN, No. 11. in Fleet-Street, near Temple-Bar,

M DCC LXVIII,



DETERMINATIONS  
ON  
ELECTIONS.

Abingdon.

*Martis, 18 die Januarii, 1708.*

*Resolved,*

**T**HAT the Right of electing a Burgeses to serve in Parliament for the Borough of *Abingdon*, is in the Inhabitants paying Scot and Lot, and not receiving Alms, or any Charity.

Agmondesham.

*Sabbati, 11 die Decemb. 1680.*

1. *Resolved*, That in the Borough of *Agmondesham*, alias *Amersham*, in the County of *Bucks*, those Inhabitants only who pay Scot and Lot have Right to give Voices in the Election of Burgeses to serve in Parliament for the said Borough.

*Sabbati, 1 die Decembris, 1705.*

2. *Resolved*, That the Right of electing Burgeses to serve in Parliament, for the Borough of *Agmondesham*

*Agmondesham* in the County of *Bucks*, is in the Inhabitants paying Scot and Lot only.

### **Ailesbury.**

*Martis, 28 die Januarii, 1695.*

1. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Ailesbury*, in the County of *Bucks*, is in all the Housholders of the said Borough, not receiving Alms.

*Martis, 7 die Februarii, 1698.*

2. *Resolved*, That all Persons receiving Alms within the Borough of *Ailesbury*, pursuant to the Will of Mr. *Bedford*, or any other Persons receiving any other Charity annually distributed in the same Town, are, in respect thereof, disabled to vote in the Election of Burgeses to serve in Parliament for the said Borough.

*This was altered from what the Committee reported, and agreed to by the House.*

### **St. Albans.**

*Lunæ, 10 die Martis, 1700.*

1. *Resolved*, That the Right of electing Burgeses to serve in Parliament, for the Borough of *St. Albans*, is in the Mayor, Aldermen, and Freemen, and such Housholders only as pay Scot and Lot.

*Sabbati, 24 die Novembris, 1705.*

2. *Resolved*, That the Right of electing Burgeses to serve in Parliament for the Borough of *St. Albans*, in the County of *Hertford*, is in the Mayor, Aldermen, and such Freemen only, as have a Right



to Freedom by Birth or Service, or have it by Redemption, in order to trade, or inhabit within the said Borough, and in the Householders paying Scot and Lot.

*Martis, 27 die Aprilis, 1714.*

3. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *St. Albans*, in the County of *Hertford*, is in the Mayor, Aldermen, and Freemen, and such Householders only as pay Scot and Lot.

### **Aldborough in Suffolk.**

*Veneris, 23 die Decembris, 1709.*

1. *Resolved*, That the Right of electing Burgesses to serve in Parliament, for the Borough of *Aldborough*, in the County of *Suffolk*, is in the Bailiffs, Burgesses and Freemen, not receiving Alms.

*Jovis, 16 die Junii, 1715.*

2. Mr. *Hampden*, (according to Order) reported from the Committee as follow,

*Resolved*, That it is the Opinion of this Committee, that the Right of Election of Members to serve in Parliament for the Borough of *Aldborough* in the County of *Suffolk*, is not in the Bailiffs, Burgesses, and Freemen of the said Borough not receiving Alms.

*Resolved*, That it is the Opinion of this Committee, that the Right of Election of Members to serve in Parliament for the Borough of *Aldborough* in the County of *Suffolk*, is in the Bailiffs and Burgesses resident within the said Borough, and not receiving Alms.

*Here are four more Resolutions ; who are, and who are not duly elected, &c.*

The first four of the said Resolutions being severally read a second Time, the same were upon the Question severally put thereupon, disagreed unto by the House.

**Aldborough in Yorkshire.** See CAPACITY.

*Jovis, 15 die Maii, 1679.*

1. *Resolved*, That all the Inhabitants of the Borough of *Aldborough* in the County of *York*, paying Scot and Lot, have only Right to vote in electing Members of Parliament for the said Borough.

*Sabbati, 17 die Maii, 1690.*

2. *Resolved*, That the Right of electing Burgeses to serve in Parliament for the Borough of *Aldborough*, in the County of *York*, is not only in the select Number of Burgeses holding by Burgage-Tenure in the said Borough.

3. *Resolved*, That all the Inhabitants of the said Borough of *Aldborough*, paying Scot and Lot, have Right to vote in electing of Members of Parliament for the said Borough.

**Alien.** See CAPACITY.

*Jovis, 22 die Decembris, 1698.*

*On a Hearing for Westminster:*

1. *Resolved*, *Nemine contradicente*, That no *Alien*, not being a *Denizen*, or naturalized, hath any Right to vote in Elections of Members to serve in Parliament.

*Alms.*

## Alms.

*Mercurii, 8 die Januarii, 1689.*

1. *Resolved*, That those who receive Alms according to the Act of Parliament for the Relief of the Poor, have no Voices in Election of Burgeses to serve in Parliament for the Borough of *Abingdon*.

2. *Resolved*, That those Inhabitants who receive any constant Alms, Weekly, Monthly, Quarterly, or yearly, have no Voices in such Elections.

3. *There are many Votes, in the Cases of other Corporations, to the like Effect.*

## Andover.

*Jovis, 28 die Januarii, 1702.*

1. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Andover* in the County of *Southampton*, is in the Bailiff and select Number of Burgeses only.

*Jovis, 7 die Martii, 1727.*

2. *Ordered*, That the approved Men and Burgeses of the Borough of *Andover* (in *Com. Southampton*) who have petitioned this House, complaining of an undue Election and Return for the said Borough; and that their Votes were refused by the Bailiff; be at liberty to withdraw their said Petition.

## Arundel.

*Jovis, 22 die Februarii, 1693.*

1. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of

*Arundel* in the County of *Sussex*, is only in the Inhabitants of the said Borough paying Scot and Lot.

### Ashburton.

*Jovis, 26 die Februarii, 1707.*

I. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Ashburton*, in the County of *Devon*, is in the Freeholders having Lands or Tenements holden of the said Borough only.

*Sabbati, 17 die Martii, 1710.*

I. *Resolved*, That the Freeholders of the Lands and Tenements, called *Halfpanger* and *Holwell* Lands, lying within the Borough of *Ashburton*, and subject to pay a Borough Rent, have Right to vote for Members to serve in Parliament, for the said Borough of *Ashburton*.

### Banbury.

*Martis, 29 die Decembris, 1691.*

I. *Resolved*, That the Right of Election of a Burgess to serve in Parliament for the Borough of *Banbury*, is in the Mayor, Aldermen, and capital Burgesses of *Banbury* only.

### Bath.

*Luna, 27 die Januarii, 1706.*

I. *Resolved*, That the Right of Election of Citizens to serve in Parliament for the City of *Bath*, in the County of *Somerset*, is in the Mayor, Aldermen, and Common-council only.

*Martis*



*Martis, 22 die Junii, 1742.*

2. The House being informed that General *Wade* (a Member of this House) hath, since his Election to serve in this present Parliament, for the City of *Bath*, in the County of *Somerset*, accepted the Office of Lieutenant General of his Majesty's Ordnance; and the Opinion of the House being desired, whether by the Acceptance of the said Office, his Seat in Parliament become void;

And a Motion being made, and the Question being proposed, that the accepting the Office of Master General, or Lieutenant General, of his Majesty's Ordnance, by any Member of this House, being an Officer in the Army, does vacate the Seat of such Member in this House;

The House was moved, that the twenty eighth Section of an Act made in the sixth Year of the Reign of Queen *Ann*, intitled *An Act for the Security of her Majesty's Person and Government, and of the Succession of the Crown of Great Britain in the Protestant Line*, might be read:

And the same being read accordingly;

And the Question being put, that the accepting the Office of Master General, or Lieutenant General, of his Majesty's Ordnance, by any Member of this House, being an Officer in the Army, does vacate the Seat of such Member in this House;

It passed in the Negative, *Nemine Contradicente*.

### *Beaumaris.*

*Sabbati, 18 die Februarii, 1709.*

1. *Resolved*, That the Right of electing a Burgess to serve in Parliament for the Borough of *Beaumaris* in the County of *Anglesey*, is in the

Mayor, Bailiffs, and Capital Burgesſes of *Beaumaris* only.

*Mercurii, 3 die Martii, 1729.*

2. *Resolved*, that the Right of electing a Burgeſs to ſerve in Parliament for the Borough of *Beaumaris*, in the County of *Angleſey*, is in the Mayor, Bailiffs, and Capital Burgeſſes only of the ſaid Borough of *Beaumaris*.

### *Bedford-Town.*

*Sabbati, 12 die Aprilis, 1690.*

1. *Resolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Bedford*, is in the Burgeſſes, Freemen, and Inhabitants, being Houſeholders of *Bedford*, not receiving Alms.

### *Great Bedwin.*

*Mercurii, 26 die Martii, 1729.*

1. *Resolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Great Bedwin*, in the County of *Wilts*, is in the Freeholders and Inhabitants of ancient Burgage Meſſuages.

### *Berealſton.*

*Martis, 6 die Junii, 1721.*

1. *Resolved, Nemine contradicente*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Berealſton* in the County of *Devon*, is in the Freehold Tenants of the ſaid Borough, holding by Burgage-Tenure, and paying three Pence *per Annum*, or more ancient Burgage-

gage-Rent to the Lord of the said Borough, and in them only.

2. The House being acquainted, that an Indenture of Return, signed by the Freehold Tenants of the said Borough, had been tendered to the Port-Reve of the said Borough, at the Time of the Election, but that he refused to accept the same; and that one of the Persons who had signed and tendered the said Indenture to the Port-Reve, was at the Door:

The said Person was called in and examined, and delivered the said Indenture in to the Clerk of the House; and the same was read at the Table.

And the Clerk of the Crown attending the House in his Place (according to Order) with the Return for the said Borough;

*Ordered*, That the Clerk of the Crown do take off from the Writ the Indenture, by which *Philip Cavendish*, Esq; is returned to serve for the said Borough.

3. *Ordered*, That the Port-Reve of the said Borough of *Bereafston*, do execute the Indenture of Return, signed by the Freehold Tenants of the said Borough, which was tendered to him at the Time of the Election; and that, when the said Indenture is so executed, the Clerk of the Crown do receive the same, and annex it to the Writ directing the said Election.

### Bewdley.

*Martis, 27 die Maii, 1679.*

1. *Resolved*, That all the Inhabitants of the Borough of *Bewdley* (*in Com. Worcester*) have not a Right to vote in Elections of Members to serve in Parliament for the said Borough.

*Martis, 8 die Februarii, 1708.*

2. A Motion being made, and the Question being put, that *Thomas Smith*, who was about *Michaelmas*, One thousand seven hundred and seven, chosen Bailiff of the Borough of *Bewdly*, and against whom an Information in the Nature of a *Quo Warranto* was brought, and Judgment given for him thereupon, was rightly Bailiff of the said Borough at the Time of the Election of a Burgess to serve in the present Parliament: it passed in the Negative.

3. *Resolved*, That *Samuel Slade*, nominated Bailiff of the Borough of *Bewdly*, by a Charter granted by her Majesty, for maintaining the Peace and good Government of the said Borough, was rightful Bailiff of the said Borough, at the Time of the Election of a Burgess to serve in this present Parliament.

*Martis, 19 die Dec. 1710.*

4. *Resolved*, That the Charter, dated the twentieth of *April*, One thousand seven hundred and eight, attempted to be imposed upon the Borough of *Bewdly*, against the Consent of the ancient Corporation, is void, illegal and destructive of the Constitution of Parliament.

### *Bosfinney.*

*Veneris, 11 die Decembris, 1741.*

1. A Motion being made, and the Question being proposed, that the Clerk of the Crown do take off the File, the Indenture of Return of Burgesses to serve in this present Parliament for the Borough of *Bosfinney* in the County of *Cornwall*, signed by  
*Pasko*



*Pasko Hoskin*, the same not being signed by the proper Returning Officer of the said Borough;

*Mr. Foster*, one of the sitting Members for the said Borough, being present, withdrew.

2. *Resolved*, That the Clerk of the Crown do take off the File, the Indenture of Return of Burgessees to serve in this present Parliament for the Borough of *Bossinney*, in the County of *Cornwall*, signed by *Pasko Hoskin*, the same not being signed by the proper returning Officer of the said Borough.

And he took the same off the File accordingly.

3. *Resolved*, That the Clerk of the Crown do annex to the Writ the Indenture of Return of Burgessees to serve in this present Parliament for the Borough of *Bossinney* in the County of *Cornwall*, signed by *John Robins*, he being the proper Returning Officer of the said Borough.

And he annexed the same to the Writ accordingly.

*Ordered*, That *Thomas Foster* and *Richard Liddel*, Esqrs; be at Liberty to petition this House touching the Election for the said Borough of *Bossinney*, within fourteen Days next, if they think fit.

### Boston.

*Jovis*, 8 die Maii, 4. C. 1. 1628.

1. *Resolved*, That the Right of Election for Burgessees to serve in Parliament for the Borough of *Boston* (in *Com. Lincoln*) resteth in the Commonalty, and not in the Mayor, Aldermen, and Common-Council.

*Jovis*, 20 die Martii, 1711.

2. *Resolved*, That it is the Opinion of this Committee, That the Right of Election of Members

to serve in Parliament for the Borough of *Boston* in the County of *Lincoln*, is only in the Mayor, Aldermen, Common-Council, and Freemen of the said Borough, resident in the said Borough, and paying Scot and Lot.

3. *Resolved*, That it is the Opinion of this Committee, That *William Coatsworth*, Esq; is not duly elected a Burgess to serve in this present Parliament for the Borough of *Boston* in the County of *Lincoln*.

4. *Resolved*, That it is the Opinion of the Committee, That the honourable *Philip Bertie*, Esq; is duly elected a Burgess to serve in this present Parliament for the said Borough.

The first and second Resolution (*viz.* second and third *above*) being read a second time, were agreed unto by the House.

The third Resolution being read a second time,

5. The Resolution of the House of the eighth of *December* last, relating to Lords of Parliament, and Lord-Lieutenants of Counties, concerning themselves in the Elections of Members to serve for the Commons in Parliament; and also,

The Act of the seventh and eighth Years of his late Majesty's Reign, intituled, *An Act for preventing Charge and Expence in Elections of Members to serve in Parliament*, were read.

And the Question being put, That the House do agree with the Committee in the said Resolution,

It passed in the Negative.

6. *Resolved*, That the late Election for the said Borough of *Boston* is a void Election.

*Mercurii, 2 die Martii, 1719.*

7. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Boston* in the County of *Lincoln*, is only in the Mayor,

Mayor, Aldermen, Common-Council, and Freemen of the said Borough, resident in the said Borough, and who pay Scot and Lot, such Freemen claiming their Freedom by Birth or Servitude.

### Brackley.

*Martis, 20 die Aprilis, 1714.*

1. *Resolved*, That the Right of Election of Member to serve in Parliament, for the Borough of *Brackley* in the County of *Northampton*, is in the Mayor, Aldermen, and Burgeses of the said Borough.

N. B. *The Resolution of the Committee (which was amended by the House) had these Words more than the above Resolution, viz. residing in the said Borough.*

### Brecon.

*Martis, 1 die Aprilis, 1697.*

1. There were two Indentures affixed to the Writ for the Town of *Brecon*; the first, between some Aldermen and Burgeses of one Part, and the Sheriff of the other; the second, between the Sheriff of one Part, and the Bailiff of that Borough of the other; whereby *John Jefferies, Esq;* was returned.

*Resolved*, That the Indenture wherein *John Jefferies, Esq;* is returned to serve in this Parliament for the Borough of *Brecon*, is well and duly returned, and by the proper Officer; and that thereupon he ought to sit, as well and duly returned to serve in this Parliament for the said Borough of *Brecon*.



## Bribery and Corruption.

See PRIVILEGES, TREATING.

*Veneris, 15 die Novembris, 1689.*

1. Upon special Report from the Committee of Privileges and Elections, of gross and notorious Bribery, at an Election for the Borough of Stockbridge, in Com. Southampton;

*Resolved*, That *W. Montague*, Esq; is not duly elected a Burgess to serve in this present Parliament for the said Borough of Stockbridge.

2. *Resolved*, That *W. Strode*, Esq; is not duly elected a Burgess, &c.

3. *Resolved*, That the said Election is a void Election.

4. *Ordered*, That *Richard Hewes*, the Bailiff, *P. Robinson*, — *Gatehouse*, and *S. Hall*, be sent for into Custody of the Serjeant at Arms, for giving and taking Bribes at the said Election.

5. *Resolved*, That *W. Montague*, Esq; be disabled from being elected a Burgess to serve in this present Parliament for the said Borough of Stockbridge.

6. And a Debate arising touching the disfranchising the said Borough for ever hereafter from sending Burgesses to Parliament, and that instead thereof, two more Knights of the Shire be chosen for the County of *Southampton*;

*Resolved*, That the Debate be adjourn'd till Monday Morning next, ten a Clock.

*Mercurii, 27 die Novembris, 1689.*

7. A Petition of *R. Hewes*, &c. Inhabitants of *Stockbridge*, that they were sorry they had incurred the Displeasure of the House by encouraging the giving Money, and by other Irregularities at the late



late Election there, which they had not done, but that they were so near Ruin by the late King's Army continually quartering upon them, and praying the Consideration of the House, and to be discharged from their Confinements.

The Petitioners being called in, and severely re-proved by Mr. *Speaker* for their Offences, were discharged, paying their Fees.

*Mercurii, 20 die Decembris, 1693.*

8. *Resolved*, That the said Election for the said Borough of *Stockbridge*, is a corrupt and a void Election.

9. *Resolved*, That a Bill be brought in for disabling the said Borough of *Stockbridge*, to send Bur-  
gesses to serve in Parliament for the future.

*And the said Bill was brought in the same Session, and read a first, and second Time, and committed.*

*Mercurii, 7 die Februarii, 1693.*

10. A Petition of the Bailiff, Constable, and other Inhabitants of the said Borough of *Stockbridge* was presented to the House, and read, Praying that the Bill may be withdrawn, and that the ancient Frame and Constitution of the said Borough, in sending Members to Parliament may not be altered.

*Resolved*, That the said Petition be rejected.

*Eodem die.*

11. *Another Petition of the Bailiff and Inhabitants of the Town of Stockbridge praying to be heard by their Council against the said Bill; was also rejected.*

12. *And the Bill was afterwards engrossed, and read a third Time, but on the third reading, the Question being put, That the Bill do pass;*

*It passed in the Negative. And afterwards,*

*Jovis,*

*Jovis, 19 die Aprilis, 1694.*

13. A Motion being made, and the Question being put, that a Warrant be now directed to the Clerk of the Crown to make out a new Writ for the electing a Burgeſs, to ſerve in this preſent Parliament for the Borough of *Stockbridge* in the County of *Southampton*, in the Room of *Richard Whitehead, Eſq;*

It paſſed in the Negative.

*Sabbati, 3 die Februarii, 1699.*

14. Upon the Report of the Committee touching an Election for *Biſhop's Caſtle*.

*Resolved*, That the ſaid Election is a void Election.

15. It appearing to this Houſe, upon the ſaid Report, that the Burgeſſes of the ſaid Borough of *Biſhop's Caſtle* have been notoriously guilty of Bribery in the ſaid Election.

*Resolved*, That no Writ do iſſue during this Seſſion for electing another Burgeſs for the ſaid Borough.

*25 die Februarii, 1700.*

16. A Petition of ſome of the unbribed Burgeſſes of *Weobly, &c.* was referred to the Committee.

*Mercurii, 12 die Martii, 1700.*

17. *Resolved*, That it appears that Mr. *Samuel Cutting* hath endeavoured by Bribes and other indirect Practices to corrupt the Electors for the ſaid Borough.

*Ordered into Cuſtody for the ſaid Offence.*

*Lunæ, 17 die Martii, 1700.*

18. *Resolved*, That the Electors of the Borough of *Andover* (in Com. *Southampton*) have endeavoured corruptly to ſet to ſale the Election of a Burgeſs to ſerve in this Parliament for the ſaid Borough.

19. *Re-*

19. *Resolved*, That the lending of Money upon any Security to a Corporation which sends Members to Parliament, and remitting the Interest of the same, with Intent to influence the Election of such Corporation, is an unlawful and dangerous Practice.

*Mercurii, 19 die Martii, 1700.*

20. *Resolved*, That Sir *Edward Seymour*, Baronet, has made good his general Charge against *Samuel Sheppard*, sen. Esq; of Bribery and Corruption, &c.

21. *Resolved, Nemine Contradicente*, That the Thanks of the House be given to Sir *Edward Seymour*, Bart. a Member of this House, for the great Service he hath done the Publick in detecting the Bribery and Corruption which hath been practised in the Elections of several Members to serve in this present Parliament.

*Mercurii, 16 die Aprilis, 1701.*

22. Mr. *Samuel Sheppard*, sen. was expelled the House, and remanded to the Tower.

*Sabbati, 28 die Octobris, 1702.*

23. The House being informed, That *George Morley*, Esq; a Member of this House, hath been guilty of Bribery, in relation to his Election for the Borough of *Hindon* in the County of *Wilts*; and he not being in the House;

*Ordered*, That the said Mr. *Morley* do attend in his Place upon *Tuesday* Morning next.

*Veneris, 27 die Novembris, 1702.*

24. The House proceeding to the Hearing of the Matter of the Charge of *Thomas Jervoise*, Esq; against *George Morley*, Esq; and of the Petition touching the Election for the Borough of *Hindon* in the County of *Wilts*. —

And



And the Question being put, that *George Morley*, Esq; is duly elected a Burgess to serve in this present Parliament for the Borough of *Hindon* in the County of *Wilts*;

It passed in the Negative.

25. *Ordered*, That Leave be given to bring in a Bill for the Disfranchising the Borough of *Hindon* in the County of *Wilts*, from electing Members to serve in Parliament; and that Mr. *Harley*, the Lord *Mordaunt*, and Mr. *Scobel*, do prepare and bring in the same.

*Martis, 8 die Decembris, 1702.*

26. *Resolved*, That the late Election of Burgesses for the said Borough of *Maidston*, is a void Election.

27. *Resolved*, That no Warrant do issue, during this Session of Parliament, for the making out a new Writ for the electing Burgesses for the said Borough of *Maidston*.

28. *Resolved*, That *Gervas Hely* is guilty of indirect and corrupt Practices, in order to the procuring Members to be elected to serve in Parliament for the said Borough of *Maidston*.

29. *Ordered*, That the said *Gervas Hely*, be, for his said Offence, taken into Custody.

*Martis, 1 die Februarii, 1708.*

30. *Resolved*, That it appears to this House, that Mr. *William Burslem* is guilty of Bribery and indirect Practices, &c.

31. *Ordered*, That the said Mr. *William Burslem* be, for his said Offences, taken into Custody of the Serjeant at Arms attending this House.

*Sabbati, 18 die Junii, 1715.*

32. *Resolved*, That it appears to this House, that *Simon Gough* is guilty of distributing Money in



in order to procure *Paul Foley*, Esq; to be elected a Burgess to serve in this present Parliament for the present Parliament for the Borough of *Weobly* in the County of *Hereford*.

33. *Ordered*, That the said *Simon Gough* be, for his said Offence, taken into the Custody of the Serjeant at Arms attending the House.

*Jovis, 4 die Februarii, 1724.*

34. The House proceeded (according to Order) to take into Consideration the Matter of the Complaint (made to the House the twenty-third Day of *January* last) that there had been some undue Practices in relation to the compromising the Election for the Borough of *Stafford*, before the Merits of the said Election were heard before the Committee of Privileges and Elections.

And several Witnesses were called in and examined at the Bar; and then they withdrew.

*Resolved*, That it appears to this House, that divers indirect and corrupt Practices have been used in order to compromise the Election for the Borough of *Stafford*, before the same was heard before the Committee of Privileges and Elections.

35. *Resolved, Nemine contradicente*, That it appears to this House, that *Francis Elde*, Esq; (a Member of this House) has been guilty of the said indirect and corrupt Practices, highly reflecting upon the Honour and Justice of Parliament.

36. *Resolved, Nemine contradicente*, That the said *Francis Elde*, Esq; (a Member of this House) be, for his said Offence, expelled this House.

*Sabbati, 8 die Martii, 1728.*

37. *Resolved, Nemine contradicente*, That the Agents for *Ellerker Bradshaw*, Esq; have been guilty of notorious and scandalous Bribery and Corruption,

tion, in order to procure the said Mr. *Bradshaw*, to be elected a Burgess to serve in this present Parliament for the Borough of *Beverly* (*in Com. Ebor.*)

38. *Ordered*, That *John Eleanor*, one of the said Agents, be, for his said Offence, committed Prisoner to his Majesty's Goal of *Newgate*; and that Mr. *Speaker* do issue his Warrant accordingly.

*The like Orders upon Three others of the said Agents.*

39. *Hitherto, under this Title, the Reader has met Variety of Instances, in what Detestation Bribery has been held, and with what Severity punished by many different Houses of Commons.*

### **Bridport.**

*Sabbati, 2 Aprilis, 4 C. 1. 1628.*

1. *Resolved*, That the Commonalty in general (*of the Borough of Bridport in Com. Dorset*) ought to have Voices in the Election of Burgesses for Parliament.

2. *Resolved*, That it is a void Election, in respect of the want of Warning to the Commonalty.

### **Bristol.**

*Martis, 15 die Aprilis, 1735.*

1. *Upon a Hearing for Bristol, these Pieces of Evidence were produced as to the Right of Election, viz.*

A Charter of E. 3. to the Burgesses of the Town of Bristol, 8 August 40. E. 3. Part read.

Copies of several Returns, &c.

Copy of Letters Patents. 4to Junii. 34 H. 8.

Copies of other Returns.

Charter to the Mayor and Commonalty of the Town of Bristol, 17 December, 15 H. 7. Part read.

Charter to the Burgesses of Bristol, 28 May 28 E. 1. Part read.

The

The Usage of the City and County, in the Election of several Officers was examined to.

*Martis, 22 die Aprilis, 1735.*

2. The Petitions were withdrawn, and the Order for the further Hearing discharg'd.

### **Buckingham.**

*Martis, 11 die Novembris, 1690.*

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Buckingham* (in *Com. Bucks*) is in the Bailiff and twelve Burgesses of *Buckingham* only.

*Martis, 27 die Aprilis, 1714.*

2. *Resolved*, That *John Muscott* is not qualified according to the Act of Parliament for the well governing and regulating of Corporations, to be a principal Burgess of the Borough of *Buckingham*, in the County of *Bucks*.

3. *The like Resolution passed against three more of the same Place.*

### **Bury St. Edmunds.**

*Martis, 27 die Aprilis, 1714.]*

1. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Bury St. Edmunds* in the County of *Suffolk*, is in the Aldermen, twelve capital Burgesses, and twenty four Burgesses of the Common-Council of the said Borough.

### **Calne.**

*Veneris, 22 die Decembris, 1710.*

1. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Calne*, in the County of *Wilts*, is in the Inhabi-

tants of the said Borough, having a Right of Common, and being sworn at *Ogborn-Court*.

*Martis, 25 die Februarii, 1723.*

2. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Calne*, in the County of *Wilts*, is in the ancient Burgeses of the said Borough only.

3. *Resolved*, That the Right of returning Burgeses to serve in Parliament for the Borough of *Calne*, in the County of *Wilts*, is in the Guild-Ste wards of the said Borough.

*Martis, 19 die Aprilis, 1743.*

*Ordered*, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *Calne*, in the County of *Wilts*, in the room of Lieutenant Colonel *William Elliot*, who, since his Election for the said Borough, hath accepted the Office of one of the Equerries to his Majesty.

*Martis, 24 die Februarii, 1746.*

A Complaint being made to the House, at the Request of the Burgeses of the Borough of *Calne*, in the County of *Wilts*, that an undue Attempt had been made to influence them, in giving their Votes for a Member to serve in Parliament for the said Borough, by the Promise of 1500*l.* to be deposited in a Banker's Hands for that Purpose, to be spent, or distributed, as the major Part of the Electors shall think proper.

And a Letter signed *W. Liverland*, and dated *London, January 13, 1746*, directed to Mr. *William Hale*, and brought to him, as the House was informed; by Mr. *Stephen Hale*, (in which Letter that Deposit is promised for that Purpose) was brought up to the Table, and read.

*Ordered,*



*Ordered*, That *W. Liverland* do attend this House, on this Day seven-night.

*Ordered*, That *William Hale* do attend this House upon this Day seven-night.

*Ordered*, That *Stephen Hale* do attend this House upon this Day seven-night.

Note. *Afterwards* Liverland, *not attending*, was ordered to be taken into Custody, and not being found, a Proclamation, with a Reward for apprehending him, was published, in pursuance of an Address for that Purpose.

### Cambridge.

*Jovis*, 9 die Februarii, 1709.

1. *Resolved*, That the Right of electing Burgeses to serve in Parliament for the Town of *Cambridge*, is in the Mayor, Bailiffs, and Freemen not receiving Alms.

*Veneris*, 27 die Maii, 1715.

2. Mr. *Hampden* (according to Order) reported from the Committee, &c.

*Resolved*, That it is the Opinion of this Committee, that the Mayor, Bailiffs and Burgeses of the Town of *Cambridge*, may hold a summon's Common-day Court, and admit Freemen without six Aldermen of the said Town being then present.

*Resolved*, &c.

*Resolved*, &c.

The first Resolution (*viz.* the 2d above) being read a second Time, and the Question being put, that the House do agree with the Committee in the said Resolution,

It passed in the Negative.

*Martis*, 13 die Julii, 1742.

*Ordered*, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new

Writ for the electing of a Burgeſſs to ſerve in this preſent Parliament for the Univerſity of *Cambridge*, in the Room of the honourable *Edward Finch*, Eſq; who ſince his Election for the ſaid Univerſity, hath accepted the Office of one of the Grooms of the Bed-Chamber to his Maſteſty.

### Camelford.

*Martis*, 8 die *Maii*, 1711.

1. *Resolved*, That Mr. *Edward Cloake* is legal Mayor of the Borough of *Camelford*, in the County of *Cornwall*, and ought to make the Return of 4 Burgeſſs to ſerve in this preſent Parliament for the ſaid Borough.

### Capacity.

See CORONER, OFFICES, QUALIFICATION.

*Lunæ*, 21 die *Decembris*, 1696.

1. *Resolved*, *Nemine contradicente*, That *Henry Fairfax*, Eſq; having contrary, to the late Act of Parliament, expended Money in order to his Election, to ſerve in this preſent Parliament for the Borough of *Aldborough* in the County of *York*, ſince the Vacancy thereof by the Death of Sir *Michael Wentworth*, is diſabled and incapacitated upon the ſaid Election to ſerve as a Burgeſſs for the ſaid Borough.

*Mercurii*, 27 die *Januarii*, 1696.

2. *Resolved*, That during this Session of Parliament, no Warrent for a new Writ do iſſue for the electing a Burgeſſs to ſerve in this preſent Parliament for the ſaid Borough of *Aldborough*, in the room of Sir *Michael Wentworth*, Bart. deceased.

3. Note, *In the next Session the Houſe did not order a new Writ until the Borough petitioned, acknowledging,*

*Jedging, &c.* See the Votes, *Veneris*, 3 die Dec. 1697, and *Jovis*, 30 die Dec. 1697.

*Jovis*, 6 die Martii, 1711.

4. The Order of the Day being read, for taking into Consideration the Merits of the Petition of the Freemen, and Free-Burghers of the Borough of *King's-Lynn* in the County of *Norfolk*.

And a Motion being made, and the Question being put, that Counsel be called in,

It passed in the Negative.

5. Then the Writ for electing a Burgess for the said Borough in the room of *Robert Walpole*, Esq; expelled this House; and also the Sheriff of *Norfolk's* Precept thereupon, and the Indenture of the Return between the said Sheriff, and the Mayor and Burgesses of the said Borough, were read.

*Resolved*, That *Robert Walpole*, Esq; having been this Session of Parliament committed a Prisoner to the Tower of *London*, and expelled this House for an high Breach of Trust in the Execution of his Office, and notorious Corruption, when Secretary at War, was, and is incapable of being elected a Member to serve in this present Parliament.

6. *Resolved*, That the late election for a Burgess to serve in this present Parliament for the said Borough of *King's-Lynn*, in the County of *Norfolk*, is a void Election.

### Cardigan.

See QUALIFICATION.

*Jovis*, 7 die Maii, 1730.

1. *Resolved*, That the Burgesses of the Borough of *Tregaron* have not a Right to Vote in the Elec-

tion of a Burgess to serve in Parliament for the Town of *Cardigan*.

2. *Resolved*, That the Right of Election of a Burgess to serve in Parliament for the Town of *Cardigan*, in the County of *Cardigan*, is in the Burgeses at large of the Boroughs of *Cardigan*, *Aberystwith*, *Lampeter* and *Atpar* only.

### **Carmarthen.**

*Martis*, 19 die Martii, 1727.

1. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Carmarthen* is in the Burgeses of the said Borough.

*Sabbati*, 23 die Martii, 1727.

2. *Resolved*, That the Execution of the Writ for electing a Burgess to serve in Parliament for the County-Borough of *Carmarthen*, and the making a Return thereof, are in the two Sheriffs of the said Borough jointly.

### **Cheping-Wicombe.**

*Jovis*, 17 die Martii, 1725.

1. *Resolved*, *Nemine contradicente*, That it appears to this House, that in an Entry of Burgeses made at the Borough of *Cheping-Wicombe* in the County of *Bucks*, dated the 20th of *May* 1717, there has been an Erasure lately made, and the Name of Captain *Pyet* inserted, without any legal Authority.

2. *Resolved*, *Nemine contradicente*, That it appears to this House, that in an Entry of Burgeses made at the said Borough of *Cheping-Wicombe*, dated the 26th of *September* 1723, an Erasure has been lately made, whereby the Name of *David Shilfore*,



*Shilfore*, a Burgefs of the faid Borough, is  
erazed.

3. *Resolved*, *Nemine contradicente*, That *Sampson Tresley* and *John Widiner*, who were admitted to vote at the late Election of a Burgefs to ferve in this prefent Parliament for the faid Borough of *Cheping-Wicombe* (having no Pretence to be Burgefles of the faid Borough, but under a Charter of King *James the Second*, which was never accepted or enrolled) have no Right of voting in Elections of Burgefles to ferve in Parliament for the faid Borough.

### **Chefter.**

9 die Februarii, 1747.

1. *Resolved*, That the Right of Election for the City of *Chester*, is in the Mayor, Aldermen, and Common-Council of the faid City, and in fuch of the Freemen of the faid City not receiving Alms, as fhall have been commorant within the faid City, or the Liberties thereof, for the Space of one whole Year next before the Election of the Citizens, to ferve in the Parliament for the faid City.

### **Chippenham.**

9 die Aprilis, 1624.

1. *Resolved*, That the New Charter alters not the Customs; and that the Burgefles and Freemen, more than Twelve, have Voice in the Election.

Jovis, 28 die Januarii, 1741.

*On an Hearing.*

The laft Determination of the Houfe, concerning the Right of Electing Burgefles to ferve in Parliament for the faid Borough, made the 9th Day of *April*, 1624, (when it was refolved, That the  
new

new Charter altered not the Customs, and that the Burgeſſes and Freemen, more than twelve, had Voice in the Election) was alſo read.

A Motion was made, and the Queſtion being put, that in the laſt Determination of this Houſe, of the Right of Election of Members to ſerve in Parliament for the Borough of *Chippenham* in the County of *Wilts*, made the ninth Day of *April*, in the Year One thouſand ſix hundred twenty-four; which is, “ That the new Charter alters not the Customs; and that the Burgeſſes and Freemen, more than twelve, have Voice in the Election,” the Words *Burgeſſes and Freemen*, mean only ſuch Burgeſſes and Freemen, as are Inhabitants, Houſholders of the ancient Houſes, called Free, or Burgage Houſes within the ſaid Borough,

It paſſed in the Negative.

### **Chriſt-Church.**

*Mercurii, 14 die Julii, 1742.*

*Ordered*, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgeſſ to ſerve in this preſent Parliament for the Borough of *Chriſt-Church*, in the County of *Southampton*, in the room of *Edward Hooper*, Eſq; who, ſince his Election for the ſaid Borough, hath accepted the Office of Paymaſter of divers annual Bounties and Penſions.

### **Cirenceſter.**

*Martis, 4 die Novembris, 1690.*

1. *Resolved*, By the Committed, That the Inhabitants of the Borough of *Cirenceſter* (*in Com. Glouceſter*) receiving a charitable Donative, commonly  
4. called

called *By-Money*, have not a Right to vote in electing Burgesses to serve in Parliament.

2. *Resolved*, That the Inhabitants of the Borough of *Cirencester* being Inmates, have no Right to vote in electing Burgesses to serve in Parliament.

Upon the Question, the House did not agree unto the first Resolution, but agreed unto the Second.

*Jovis, 8 die Decembris, 1709.*

3. The Question being put, that the Inhabitants of the *Abby*, the *Emery*, and the *Spiringate-Lane*, (not receiving Alms) have a Right to Vote, in electing Members to serve in Parliament for the Borough of *Cirencester* (*Com. Gloucester*),

It passed in the Negative.

### **Cockermouth.**

*Martis, 13 die Julii, 1742.*

*Ordered*, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament, for the Borough of *Cockermouth* in the County of *Cumberland*, in the room of the honourable *William Finch*, Esq; who, since his Election for the said Borough, hath accepted the Office of Vice-Chamberlain of his Majesty's Household.

### **Colchester.**

*Sabbati, 28 die Martii, 1696.*

1. *The Committee reported*, That the Right of Election for *Colchester*, in *Essex*, was agreed to be in the sworn Burgesses, not receiving Alms.

*Sabbati,*

*Sabbati, 27 die Januarii, 1710.*

2. *Resolved*, That the Mayor of the Borough of *Colchester* in the County of *Essex*, cannot make Foreigners Free of the said Borough, without consent of the Majority of the Aldermen and Common-Council.

*Jovis, 6 die Maii, 1714.*

3. *Resolved*, That the Right of making Foreigners (not having a Right of Freedom by Birth or Service) Freemen of the Borough of *Colchester*, in the County of *Essex*, is in the Mayor and free Burgesses of the said Borough, in Common-Hall assembled.

### Coroner.

*Veneris, 11 die Januarii, 1694.*

1. *Resolved*, That *Jasper Mawdit*, Esq; is duly elected a Burgess to serve in this present Parliament, for the Borough of *Liverpool* in the County of *Lancaster*.

2. *Resolved*, That Mr. *Alexander Norris*, Mayor of the Borough of *Liverpool* in the County of *Lancaster*, having taken upon him to judge, that *Jasper Mawdit*, Esq; being Coroner of the said Borough, was incapable to be elected a Burgess to serve in Parliament (altho' duly chosen) and having made a false Return of *Thomas Brotherton*, Esq; to serve as a Burgess for the said Borough, hath therein violated the Rights of the Commons of *England*, and broken the Privileges of this House.

3. *Resolved*, That the said *Alexander Norris*, for the said Misdemeanor, be sent for in Custody of the Serjeant at Arms attending this House.



## Costs and Expences.

See PETITION vexatious.

*Sabbati, 9 die Martii, 1699.*

1. A Petition of *Thomas Hawksly* and *Roger Hunt*, Overseers for the Poor of *Nottingham*, was presented to the House and read, praying, that they may be relieved for their Charges in coming to Town, their Expences here, and returning home, being summoned to attend the Committee of Privileges and Elections by *George Gregory*, Esq; Petitioner against *Robert Sacheverel*, Esq;

*Ordered*, That the said Mr. *Gregory* do pay the Petitioners their reasonable Charges, to be settled by the Chairmen of the said Committee.

*Sabbati, 22 die Martii, 1711.*

2. A Complaint being made to the House, that Mr. *John Cunningham* was summoned in behalf of Major-General *Hamilton* to attend the Committee of Privileges and Elections, to testify his Knowledge touching the late Election of a Member to serve in Parliament for the Burghs of *Pittenween*, *Anstruther-Easter*, *Anstruther-Wester*, *Crail*, and *Kilrenny*, that Major General *Hamilton* refuses to pay him his reasonable Charges for his Journey and Attendance. And a Copy of the said Summons being brought up to the Table and read,

*Ordered*, That the said *John Cunningham* have his reasonable Charges for his Journey, and Attendance on the said Committee; and that the same be ascertained by the Chairman of the said Committee.

*Jovis, 8 die Septembris, 1715.*

4. A Petition of *Anne Cater* of *Eastow* in the County of *Bedford*, Widow, *John Purton* of *Kempston*,

*ston, James Coot of Eaton Sacon, and Stephen Norman of Felmersham in the County of Bedford, was presented to the House, and read, praying that they may be relieved for their Charges in coming up and staying in Town (being summoned up as Witnesses by John Harvey, Esq;) to attend the hearing the Merits of the Election for the County of Bedford, at the Bar of the House, they having desired him to give them reasonable Satisfaction, which he hath refused to do.*

*Ordered, That the said Mr. Harvey do pay the Petitioners their reasonable Charges, to be settled by Mr. Speaker.*

*Martis, 18 die Junii, 1717.*

5. A Petition of *Thomas Prowse*, Steward of the Manor of *Minehead*, in the County of *Somerset*, was presented to the House and read, complaining that he was required by Warrant from Mr. Speaker, to permit *George Speke*, Esq; or his Agents, to inspect the Court-Rolls, and other Records of the said Manor, and to take out such Copies and Notes therefrom as they should think fit, and to attend this House the thirteenth Instant with the said Court-Rolls, and Records; and that he did produce the said Court-Rolls, and did appear and was examined: but that the said Mr. *Speke's* Agent refuseth to give him reasonable Satisfaction for the same; and praying that he may be relieved therein.

*Ordered, That the said Thomas Prowse be paid his reasonable Charges to be settled by Mr. Speaker.*

### **Coventry.**

*Martis, 24 die Februarii, 1701.*

1. *Resolved, That the Freemen of Coventry receiving Alms or Charity, have no Right to vote in the*

the Election of Citizens to serve in Parliament for the City of *Coventry*.

*Martis, 1 die Martii, 1708.*

*On a Hearing.*

2. A Book being produced (alledged to be a Book of the Company of Fullers in the City) to prove that they are a Company or Corporation within the said City.

A Motion being made, and the Question being put, that the said Book be received as Evidence.

It passed in the Negative.

3. *Resolved*, That the Right of electing Citizens to serve in Parliament for the City of *Coventry*, is in such Persons who have served Apprenticeships for seven Years within the City, to one and the same Trade, not receiving Alms or constant Charities.

4. The Petitioners Council proceeding in order to disqualify several of the Sitting Member's Votes, upon account of their having received Parish Charities; and the Sitting Member's Council insisting, that they have not been able to make any Discovery of what Persons (on the Petitioners part) have received the Charities of the Sacrament Money and Bread-Money, so as to make Objections to the Petitioners Votes, upon that Account, the Minister and Church-wardens, alledging, they kept no Account of the same, and Witnesses being examined in relation to that Matter.

A Motion being made and the Question being put, that the Petitioners Council be admitted to give Evidence to disqualify any of the Sitting Members Votes, upon account of receiving Sacrament-Money, or Bread-Money.

It passed in the Negative.

5. A Motion being made, and the Question being put, that Persons receiving Sir *Thomas White's* Gift, are thereby disabled from giving their Votes in electing Citizens to serve in Parliament for the City of *Coventry*.

It passed in the Negative.

*Jovis, 3 die Martii, 1708.*

6. A Motion being made, and the Question put, that Persons receiving *Thomas Wheatly's* Gift, are thereby disabled from giving their Votes in electing Citizens to serve in Parliament for the City of *Coventry*.

It passed in the Negative.

*Jovis, 13 die Martii, 1711.*

7. *Resolved*, That the Members of the Company of Fullers of the City of *Coventry*, being Freemen, not receiving Alms, or weekly Charity, have a Right to Vote in the Elections of Members to serve in Parliament for the said City.

8. *Resolved*, That such Freemen of the City of *Coventry*, as do not receive Alms or weekly Charity, and have served seven Years Apprenticeship within the said City, or the Suburbs thereof, have a Right to vote in the Elections of Members to serve in Parliament for the said City.

*Lunæ, 19 die Novembris, 1722.*

9. *Resolved*, That the Sitting Member's Counsel be admitted to give Evidence touching the Qualification of such Persons as have a Right to Vote in the Elections of Citizens to serve in Parliament for the City of *Coventry*.

*Martis,*



*Martis, 20 die Novembris, 1722.*

10. *Resolved*, That the Right of Election of Citizens to serve in Parliament for the City of Coventry, is in such Freemen as have served seven Years Apprenticeship to one and the same Trade in the said City or the Suburbs thereof, and do not receive Alms or weekly Charity, such Freemen being duly sworn and enrolled.

*Martis, 22 die Martii, 1736.*

*On a Hearing.*

11. *The next foregoing Resolution* (of 20th November 1722,) *was read*; and also

The standing Order of 16th January, 1735, for restraining Counsel from offering Evidence touching the Legality of Votes contrary to the last Determination of the House of Commons.

*See Title RIOTS, of this Date.*

### **Cricklade.**

*Sabbati, 22 die Februarii, 1695.*

1. *The Committee reported*, That it was agreed that the Right of Election for the Borough of Cricklade (in Com. Wilts) was in the Freeholders, Copyholders, and Leaseholders, for not less than three Years.

2. *There is not in the printed Votes of that Day any mention of the Right of Election: But there is a Resolution*, That the Petition of the Burgesses complaining of an undue Election for the said Borough is vexatious, frivolous, and groundless.

## Dartmouth,

alias Clifton-Dartmouth-Hardness.

Jovis, 21 die Novembris, 1689.

1. The Committee reported, that it appeared the Right of Election for the Borough of *Dartmouth* alias *Clifton-Dartmouth-Hardness* (in *Com. Devon.*) was in the Freemen of the said Borough.

2. *Resolved, Nemine contradicente*, That twenty-five new Freemen, made after the Writ bore *Teste*, were not duly nor legally made, agreed to by the House.

3. *Ordered*, That Mr. *Whitrow*, the late Mayor, be taken into Custody for his Misdemeanors in making the said Freemen.

## Denbigh.

Martis, 25 die Novembris, 1740.

The House being informed that Sir *Watkyn Williams Wynn*, Bart. a Member of this House, hath accepted the Office of Steward of his Majesty's Lordships and Manors of *Bromfield* and *Yale*, in in the County of *Denbigh*, now come to him on the Death of his Father, Sir *William Williams*, Bart. by Virtue of a Grant from Queen *Anne*; and that the said Sir *Watkyn Williams Wynn*, desired the Opinion of the House, whether his Seat in this House was thereby vacated.

And the House being informed, that Mr. *Thomas Gilbert* attended at the Door, with a Copy of the said Grant, he was called in, and at the Bar produced the same.

And then he withdrew.

And the Copy of the said Grant, dated the sixth Day of *April*, in the third Year of her said Majesty's

jeſty's Reign, was read; whereby the Queen (reciting a Grant of the ſaid Office, by King *Charles* the Second, to *Henry Wynn*, Eſq; for his Life; and after his Deceafe, to his Son, *John Wynn*, Eſq; for his Life; and alſo reciting the Death of the ſaid *Henry Wynn*) granted the ſaid Office to Sir *William Williams*, Bart. deceaſed, for his Life, to have the ſaid Office immediatly after the Deceafe of the ſaid *John Wynn*; and alſo to his Son, now Sir *Watkyn Williams Wynn*, for his Life, for him the ſaid *Watkyn Williams Wynn* to have, enjoy, and exerciſe the ſaid Office immediately after the Deceafe of the ſaid Sir *William Williams*, with an annual Salary of twenty Pounds, and with all Profits to the ſaid Office belonging.

And the twenty-fixth Section of an Act made in the ſixth Year of the Reign of Queen *Anne*, intituled, *An Act for the Security of her Maſteſty's Perſon and Government, and of the Succeſſion to the Crown of Great Britain in the Proteſtant Line*, whereby the Election of any Perſon, who being choſen a Member of the Houſe of Commons, ſhall accept of any Office of Profit from the Crown, is declared to be void, was alſo read.

*Ordered*, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing a Knight of the Shire to ſerve in this preſent Parliament for the County of *Denbigh*, in the room of Sir *Watkyn Williams Wynn*, Bart. who, ſince his Election for the ſaid County, hath accepted the Office of Steward of his Maſteſty's Lordſhips and Manors of *Bromfield* and *Yale*, in the ſaid County of *Denbigh*.

*On an Hearing.*

*Lunæ, 22 die Februarii, 1741.*

They examined ſeveral Witneſſes, and produced Evidence, in order to prove, that the Sheriff of

the said County was guilty of great Partiality, in favour of the sitting Member, by obliterating and interlining an Assessment of the Land-Tax for the Year 1740, in which *John Jones* was rated for his Freehold, and afterwards objecting to his vote at the said Election, for not being rated for the said Freehold; by unnecessarily protracting the Poll; by objecting to the Votes of many Freeholders, on account of Non-residence within the said County; by querying the Votes of several Freeholders, who voted for the Petitioner *Sir Watkyn Williams Wynn*, Bart. and admitting, without a Query, the Votes of several Freeholders, who voted for the Sitting Member, though liable to the same Objections; by querying many Votes upon Suggestion only, and some by private Direction to his Under-sheriff; by declaring, at the close of the Poll, what Majority appeared for the said Petitioner, and delivering to each Candidate a Paper, containing the Numbers of their respective Voters, and also, when a Scrutiny was demanded on the Behalf of the sitting Member, refusing to grant it, because the whole Election had been a Scrutiny; yet, when a Return of the said Petitioner was demanded, refusing then to make it on pretence of Fatigue, and of his doubt concerning the Objection of Non-residence, and adjourning the County Court to a certain Time and Place, with Promises to do the said Petitioner Justice, when he had looked into his Notes, and to give him Notice of the Return; yet afterwards, before the Day of Adjournment, privately, and without such Notice, making a Return of the sitting Member, though, if all the queried Votes on both Sides had been disallowed, the said Petitioner had a considerable Majority.



*Martis, 23 die Februarii, 1741.*

*Resolved*, That *William Myddleton, Esq;* High Sheriff of the County of *Denbigh* at the last Election of a Knight of the Shire to serve in Parliament for the said County, having taken upon himself to return *John Myddleton, Esq;* as Knight of the Shire to serve in this present Parliament for the said County, contrary to the Majority of Votes received by him upon the Poll, and to his own Declaration of the Numbers at the close of the Poll, without any subsequent public Examination into the Rights of the Voters, previous to such Return, and having afterwards presumed to alter the said Poll, in order to give a Colour to such Return, has acted partially, arbitrarily, and illegally, in Defiance of the Laws, in manifest Violation of the Rights of the Freeholders of the said County, and in Breach of the Privilege of this House.

*Ordered*, That the said *William Myddleton, Esq;* be, for his said Offence, committed Prisoner to his Majesty's Gaol of Newgate; and that Mr. Speaker do issue his Warrants accordingly.

*Resolved*, That an humble Address be presented to his Majesty, that he will be graciously pleased to give Directions for removing the said *William Myddleton, Esq;* from being Receiver-General of the Land Revenue in *North Wales*, and also from being one of his Majesty's Justices of the Peace for the County of *Denbigh*, and for the County of *Flint*.

*Ordered*, That the said Address be presented to his Majesty, by such Members of this House as are of his Majesty's most Honourable Privy Council.

*Mercurii, die Februarii, 1741.*

Ordered, That the Resolution of this House of Yesterday, that *William Myddleton*, Esq; High Sheriff of the County of *Denbigh*, at the last Election of a Knight of the Shire to serve in Parliament for the said County, having taken upon himself to return *John Myddleton*, Esq; as Knight of the Shire to serve in this present Parliament for the said County, contrary to the Majority of Votes received by him upon the Poll, and to his own Declaration of the Numbers at the Close of the Poll, without any publick subsequent Examination into the Rights of the Voters, previous to such Return, and having afterwards presumed to alter the said Poll, in order to give a Colour to such Return, has acted partially, arbitrarily, and illegally, in Defiance of the Laws, in manifest Violation of the Rights of the Freeholders of the said County, and in Breach of the Privilege of this House, be humbly laid before his Majesty by such Members of this House as are of his Majesty's most Honourable Privy Council, at the same Time that they present to his Majesty the Address of this House, Yesterday resolved to be presented to his Majesty, that he will be graciously pleased to give Directions for removing *William Myddleton*, Esq; from being Receiver-General of the Land Revenue in *North Wales*, and also from being one of his Majesty's Justices of the Peace for the County of *Denbigh*, and for the County of *Flint*.

*Jovis, 25 die Februarii, 1741.*

Mr. *Comptroller* reported to the House that his Majesty had been attended with the Resolution and Address of this House relating to *William Myddleton*, Esq; and that his Majesty had commanded him

him to acquaint this House, that his Majesty will give Directions for doing what is desired by this House.

*Lunæ, 12 die Aprilis, 1742.*

A Petition of *William Myddleton*, high Sheriff of the Shire of *Denbigh*, was presented to the House, and read; setting forth that the Petitioner was, on the twenty-third Day of *February*, ordered by this House, to the Custody of the Keeper of his Majesty's Gaol of *Newgate*, and did, the next Day, in consequence of such Order, surrender himself to the Serjeant at Arms, attending this House, and was immediately carried to the said Gaol, where he has remained in close Confinement ever since, whereby his Health has been much impaired; and that such Confinement, longer continued, may be the Means of indangering his Life; and that the Petitioner is extremely sorry, and humbly begs Pardon for having given Offence to this House; and therefore praying the House to take the Premises into Consideration, and that the Petitioner may be discharged out of Custody.

*Ordered*, That the said *William Myddleton*, Esq; committed Prisoner by this House, to his Majesty's Gaol of *Newgate*, upon *Tuesday*, the twenty-third Day of *February* last, be brought to the Bar of this House to-morrow Morning, in order to his being discharged out of Custody; and that Mr. Speaker do issue his Warrants accordingly.

*Martis, 7 die Februarii, 1743.*

*Ordered*, That Mr. *William Nock* and Mr. *Robert Dyer*, Clerks of the Secretary of the Commissioners of the Stamp-Duties, do immediately attend this House with the Book, or Books, belonging the Stamp-Office, wherein the Impressions of

the several Stamp-Duties entered, in order to the producing of the said Book or Books, at the Hearing of the Matter of the Petition of *Arthur Trevor*, Esq; and the several Persons whose Names are thereunto subscribed, severally complaining of an undue Election and Return for the Borough of *Denbigh*, in the County of *Denbigh*; the Matter of which Petitions is appointed to be heard at the Bar of this House, this Day.

*Resolved*, That the Right of Election of a Burgess to serve in Parliament for the Borough of *Denbigh*, in the County of *Denbigh*, is in the Burgesses, Inhabitants, of the Boroughs of *Denbigh*, *Ruthyn*, and *Holt*, respectively.

Note, This Hearing lasted many Days, and the Evidence, Objections, &c. on both Sides, mentioned in the printed Votes, amount to many Pages, which we thought too voluminous for our present Purpose, as no special Resolution was made; the Whole concluding only with a general Resolution, that the sitting Member was duly elected.

## Derby.

*Lunæ, 1 die Martii, 1741.*

*Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the Electing of a Burgess to serve in this present Parliament for the Borough of *Derby*, in the County of *Derby*, in the Room of the Right Honourable *James Cavendish*, Esq; commonly called Lord *James Cavendish*, who since his Election for the said Borough, hath accepted the Office of Auditor of all foreign Accounts or Imposts, within the Kingdom of *Ireland*.

Devizes.



## Devizes.

*Sabbati, 29 die Martii, 1690.*

1. A double Return for the Borough of *Devizes* (in *Com. Wilts*) one by the Mayor without any Burgesses joining in the Return; the other by several of the Burgesses without the Mayor.

*Resolved*, That Sir *Thomas Fowles* and *Walter Grubb*, Esq; returned by the Mayor, are duly returned to serve in this present Parliament for the Borough of the *Devizes*.

*Martis, 13 die Julii, 1742.*

*Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the Electing of a Burgess to serve in this present Parliament for the Borough of *Devizes*, in the County of *Wilts*, in the Room of *Francis Eyles*, Esq; who, since his Election for the said Borough, hath accepted the Office of Superintendant of his Majesty's Founderies.

## Dorchester.

*Martis, 17 die Maii, 1720.*

1. *Resolved*, That that Part of the Parish called the *Holy Trinity*, alias *Dorchester Trinitatis*, which was formerly the Parish of *Froome Whitfield*, is no Part of the Borough of *Dorchester* in the County of *Dorset*.

2. *Resolved*, That the Tithing of *Collington Row*, within the Parish of the *Holy Trinity*, alias *Dorchester Trinitatis*, is no Part of the Borough of *Dorchester* in the County of *Dorset*.

*Mercurii,*

*Mercurii, 18 die Martii, 1720.*

3. *Resolved*, That the Right of electing Burgeses to serve in Parliament for the Borough of *Dorchester* in the County of *Dorset*, is in the Inhabitants of the said Borough, paying to Church and Poor, in respect of their personal Estates; and in such Persons as pay to Church and Poor, in respect of their real Estates within the said Borough.

4. *And Thomas Pitman, the Mayor, was ordered into Custody for illegal and arbitrary Practices at the Election.*

### **Dover.**

*Martis, 1 die Aprilis, 1679.*

1. The Writ was directed, *Constabulario Castri Dover ac Custod quinque Portuum vel ejus Locumtenenti ibidem*; indorsed thus, *Executio istius Brevis patet in quibusdam Schedulis huic Brevi annex.*— *Responsio Johannis Strode Arm. Locumtenentis Domini Regis Castri Dover, &c.*

To the Writ was affixed,

1. A Precept made by the said *John Strode, Esq;* to the Mayor, Jurats, and Commonalty of the Town and Port of *Dover, &c.* to choose two Barons, which Precept was endorsed thus; *Executio istius mandati patet in quadam Indentura huic Præcept. annex. per Major. Jurat. & Communitat. Ville & Port. de Dover prædict. in Comitatu prædict.*

There was also affixed to the said Writ an Indenture between the said *John Strode* of one Part, and the Mayor, Jurats and Commonalty of *Dover* of the other Part, witnessing that they had chosen *William Stokes* and *Thomas Papillion, Esqrs; &c.* in witness whereof they had caused their Common Seal to be affixed thereto; and accordingly a large Seal was affixed to the said Indenture.

There

There was also affixed to the said Writ a Writing purporting an Indenture, but made between no Body; witnessing, that the Mayor, Jurats, and Barons of the Town and Port of *Dover*, in a full Hundred there; that is to say, *George West*, Deputy-Mayor, *J. V.* and *A. W.* Jurats, Five of the Common-Council, and Ten others stiled Barons of the said Port, have chosen *Thomas Papillion*, Gent. and *John Strode*, Esq; our Common-Barons: In Witness whereof We, the Mayor, Jurats, and Barons of the Port aforesaid, have put our Hands and Seals. It was subscribed by *George West*, Deputy-Mayor, and Seventy others, and eighteen Seals affixed at the Bottom; but no great or common Seal to it, or mentioned so to be.

*Resolved*, That the Indenture wherein *William Stokes*, Esq; and *Thomas Papillion*, Esq; are returned, &c. is well and duly returned, and by the proper Officer; and thereupon they ought to sit as duly returned, to serve in this Parliament for the said Town and Port of *Dover*.

### **Droitwich.**

*Martis, 11 die Novembris, 1690.*

1. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Droitwich*, (in *Com. Worcester*) is in the Burgesses of the Corporation of the Salt-Springs of *Droitwich*.

### **Dumbarton.**

*Sabbati, 23 die Januarii, 1724.*

1. *Resolved*, *Nemine contradicente*, That any Conveyance of undivided Shares of the Superiority of any Lands in the Shire of *Dumbarton*, in order  
to

to multiply Votes, or split an Interest in such Superiority amongst several Persons, with a View to enable them to vote, is contrary to the Act of Parliament made in *Scotland*, in One thousand six hundred and eighty-one, intituled, *An Act concerning the Election of Commissioners for Shires.*

2. *Resolved, Nemine contradicente*, That no Person claiming a Right by Purchase to an undivided Part of the Superiority, of any Lands where the Extent of the Lands, of which he claims the Superiority, is not particularly specified, and the Land distinguished by the Charter by which he claims a Vote, has any Right to vote in the Election of a Commissioner to serve in Parliament for the Shire of *Dumbarton.*

### **Dunwich.**

*Martis, 8 die Decembris, 1691.*

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Dunwich* in the County of *Suffolk*, is not in the Freemen of the said Borough, commonly called Outfitters, as well as in the Freemen inhabiting within the said Borough.

2. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Dunwich*, is only in the Freemen inhabiting within the said Borough.

*Lunæ, 25 die Novembris, 1695.*

3. *Resolved*, That the Right of Election of Burgesses to serve in this present Parliament for the Borough of *Dunwich* in the County of *Suffolk*, is in the Freemen of the said Borough commonly called Out-fitters, as well as in the Freemen inhabiting within the said Borough.

*Sabbatis*



*Sabbati, 5 die Februarii, 1708.*

4. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Dunwich*, (in *Com. Suffolk*) is only in the Freemen inhabiting within the said Borough, not receiving Alms.

**East-Grinstead.**

*Lunæ, 7 die Aprilis, 1679.*

1. *Resolved*, That the Borough of *East-Grinstead*, in the County of *Suffex*, is an ancient Borough by Prescription.

2. *Resolved*, That the Inhabitants, as well as the Burgage-holders of the said Borough, have Right to vote in Elections of Members to serve in Parliament for the said Borough.

*Jovis, 9 die Februarii, 1695.*

3. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *East Grinstead*, is not in the Burgage-holders and Inhabitants of the said Borough.

4. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the said Borough is in the Burgage-holders only.

*Lunæ, 18 die Januarii, 1741.*

*Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *East Grinstead* in the County of *Suffex*, in the Room of the Right Honourable *Charles Sackville*, Esq; commonly called Earl of *Middlesex*, who since his Election for the said Borough, hath accepted the Office of Head Steward

Steward of his Majesty's Honour at *Otford*, in the County of *Kent*.

*East-Retford.*

*Martis, 15 die Aprilis, 1701.*

1. *Resolved*, That the Right of electing Members to serve in Parliament for the Borough of *East-Retford*, in the County of *Nottingham*, is as well in the Burgessees non-resident, as in the Burgessees resident within the said Borough.

Agreed to by the House.

*Martis, 17 die Martii, 1701.*

2. *Resolved*, That the younger Sons of Freemen of the Borough of *East-Retford*, (in *Com. Nottingham*) have not a Right to demand their Freedom of the said Borough.

*Sabbati, 28 die Novembris, 1702.*

3. *Resolved*, That Persons not inhabiting in the Borough of *East-Retford*, in the County of *Nottingham*, are incapable of being made Free of the said Borough by Redemption.

4. *Resolved*, That all the Sons of Freemen of the Borough of *East-Retford*, have a Right to the Freedom of the said Borough.

*Jovis, 17 die Januarii, 1705.*

5. *Resolved*, That the Right of electing Burgessees to serve in Parliament for the Borough of *East-Retford*, in the County of *Nottingham*, is in such Freemen only, as have a Right to their Freedom by Birth, as eldest Sons of Freemen, or by serving seven Years Apprenticeship, or have it by Redemption, whether inhabiting, or not inhabiting  
in

in the said Borough at the Time of their being made Free.

*Jovis, 11 die Januarii, 1710.*

6. *Resolved*, That the Right of electing Bur-  
gesses to serve in Parliament for the Borough of  
*East-Retford*, in the County of *Nottingham*, is in  
such Freemen only, as have a Right to their Free-  
dom by Birth, as eldest Sons of Freemen, or by  
serving seven Years Apprenticeship, or have it by  
Redemption, inhabiting in the said Borough, at  
the Time of their being made Free.

### Evidence.

See WITNESSES.

*Jovis, 16 die Januarii, 1695.*

*Hertford County.*

1. *Resolved*, That Evidence ought not to be ad-  
mitted to disqualify an Elector as no Freeholder,  
who at the Election swore himself to be a Free-  
holder.

*Jovis, 16 die Januarii, 1695.*

*On a Petition for the County of Surry.*

2. *Resolved*, That Evidence ought not to be  
admitted to disqualify an Elector as no Freeholder,  
who at the Election swore himself to be a Free-  
holder.

*On a Hearing concerning an Election for Abingdon.*

*Jovis, 20 die Januarii, 1708.*

4. A Motion being made, and the Question  
being put, that *John Holmes* (one of the Serjeants  
of

of *Abingdon*) be now admitted to give Evidence;  
It passed in the Negative.

*Martis, 8 die Februarii, 1708.*

5. *Resolved*, That *John Soley*, Esq; being named Recorder in the new Charter granted by her Majesty to the Town of *Bewdly* (in *Com. Worcester*) be admitted an Evidence to prove the Acts of the Corporation before that Charter was granted.

*Martis, 16 die Januarii, 1710.*

On the Hearing of the Merits of the Election for the County of *Rutland*.

6. *Resolved*, That the Petitioner be admitted to give Parole Evidence of the Mortgage of a Mortgagee in Possession of Lands for which the said Mortgager voted against the Petitioner without producing the Mortgage Deed.

*Sabbati, 20 die Januarii, 1710.*

*On further Hearing for the County of Rutland.*

7. *Resolved*, That *John Taylor*, being produced as a Witness, by the sitting Member, be examined by the Petitioner, when his Annuity (*the Freehold for which he voted*) was granted.

8. The Question being put, that *Samuel Freeman* be admitted to prove his voting at the said Election, contrary to the Poll then taken by the Sheriff; It passed in the Negative.

*Sabbati, 10 die Januarii, 1710.*

9. *Resolved*, That the Decree of a Baron-Court be admitted to be read, as Evidence to prove the sitting Member's Possession of those Lands for which he voted at the Election of the Shire of *Kinross*,



*ross*, though it was not produced when the Question was made to his Possession.

10. The Question being put, That the sitting Member was duly qualified to vote in the Election for the Shire of *Kinross*,

It passed in the Negative.

11. The Question being put, That the Petitioner do produce the Transcript of several Writings by him produced at the said Election;

It passed in the Negative.

12. *Resolved*, That the Petitioner was duly qualified to vote in the Election for the Shire of *Kinross*.

*Martis, 13 die Februarii, 1710.*

13. At the Hearing of the Election for *Dumfries*,

The Question being put, that the Petitioner be at liberty to call a Witness as to Matters preceding the Election, which were in general objected at the Election,

It passed in the Negative.

*Jovis, 29 die Aprilis, 1714.*

14. At hearing the Merits of the Election for the Burghs of *Anstruther Wester*, &c.

The Petitioner's Counsel producing a Writing as the Minutes of the Election of a Commissary at *Pettenweem*, signed by a publick Notary in the Absence of the Town-clerk to be read; and it being objected to by the sitting Member's Counsel, &c.

*Resolved*, That the Extracts of the Minutes of the Magistracy and Town-counsel of *Pittenweem*, upon their choosing a Commissioner for the said Borough, be read as Evidence, though not signed by the Town-clerk of the said Borough, but by a Clerk chosen in his Absence by the said Magis-

trates and Town-counsel upon the said Election, and though no Evidence has been given, that the Town-clerk refused to give an Extract of the said Minutes.

*Sabbati, 7 die Maii, 1715.*

15. On the further Hearing the Merits of the Election for the Borough of *Bridport* in the County of *Dorset*,

*Resolved*, That the Petitioner be admitted to give Evidence in relation to the Partiality of the Bailiff at the late Election of Members to serve in Parliament for the Borough of *Bridport*.

16. Mr. *Arthur Pain* being called ;

The Petitioner's Counsel objected against his being examined, for that he had been charged by the Petitioner's Evidence with having (as Agent for Mr. *Strangeways*) distributed Money and Corn to Voters.

And the Question being put, that the Counsel for the sitting Member be admitted to examine *Arthur Pain*, touching *William Pierce's* being of full Age at the Time of the last Election for the Borough of *Bridport* ;

It passed in the Negative.

17. The Counsel for the sitting Member examined several Witnesses in relation to Wheat given by the Family of *Strangeways*, whether the same was an usual Charity, as they insisted, or Bribery, as the Petitioner's Counsel insisted ?

And *John Tucker* being called to be, &c.

And the Question being put, that *Tucker* having been concerned in the distributing of Wheat to the Inhabitants of *Bridport*, before *Christmas* last, be admitted to be examined as a Witness in this Cause,

It passed in the Negative.

*Martis,*

*Martis, 28 die Junii, 1715.*

18. The House (according to Order) proceeded in the further Hearing the Merits of the Election for the County of *Bedford*, and the Counsel on both sides were called in; and the Petitioner's Counsel calling a Witness to prove that one of the sitting Member's Voters had no Estate in the Parish where his Freehold is set down on the Poll, the sitting Member's Counsel objected against the giving such Evidence, the Voter having sworn he had an Estate there.

*Resolved*, That the Counsel for the Petitioner be admitted to give Parole Evidence as to a Person's being no Freeholder, who swore himself to be a Freeholder at the Time of the Election.

*Jovis, 30 die Junii, 1715.*

19. The House proceeded in the farther Hearing the Merits of the Election for the County of *Bedford*; and the Petitioner's Counsel proceeded farther to examine Witnesses (in order to disqualify Voters for the sitting Members) to some, as to their not being rated to any Taxes, to others as to their not having any Estate in the Place they voted for, and to others as to their Estates being Copyholds; and afterwards the Petitioner's Counsel acquainted the House, that they had Objections to many other Voters for the sitting Member, in regard they did not pay to the publick Taxes in such Proportion as other Estates of forty Shillings *per Annum*, in the same Place as the Acts of the tenth and twelfth of Queen *Anne* direct, and desired the Directions of the House, whether they should go into such an Examination, and of what Nature the Evidence should be.



And the Act of the tenth Year of her late Majesty, intitled, *An Act for the more effectual preventing frandulent Conveyances, in order to multiply Votes for Knights of Shires to serve in Parliament*; and also,

An Act of the twelfth Year of her said late Majesty was read, for *explaining the said Act, as far as the same relates to the ascertaining the Value of Freeholds of forty Shillings per Annum*, were read.

And a Motion being made, and the Question being put, that where any Person pays to the King's Tax, Church, or Poor's Rates, and has sworn to the Value of his Freehold, such Freehold being in his own Possession, that this House will proceed unto the Consideration, whether such Freehold is assessed to the said Taxes and Rates in such proportion as other Lands of forty Shillings *per Annum*, within the same Parish or Township, are charged to the same,

It passed in the Negative.

*Sabbati, 2 die Julii, 1715.*

20. On the further Hearing the Merits of the Election for the County of *Bedford*, the sitting Member's Counsel producing a Paper, as the Rate for the Land-tax in the Year One thousand seven hundred and fourteen, for the Parish of *Potton*, to prove that one of the sitting Member's Voters had been rated thereto for the said Year; the Petitioner's Counsel objected against the same, it not being signed by the Assessors, or Commissioners, but only by the Collectors for the Land-tax; and the sitting Member's Counsel insisting upon it being read;

And the Question being put, that a Paper intitled, *Potton Land-tax of two Shillings in the Pound for One thousand seven hundred and fourteen* (although  
not



not signed by the Assessors or Commissioners for the Land-tax) be read as Evidence ;

It passed in the Negative.

*Jovis, 14 die Julii, 1715.*

21. On the farther Hearing the Merits of the Election for the County of *Bedford*—

The Question being put, that the Counsel for the sitting Member be admitted to examine *Edward Kemp*, to prove that *William Reynold* voted otherwise than he is set down upon the Sheriff's Poll,

It passed in the Negative.

*Lunæ, 24 die Februarii, 1717.*

22. Upon the Hearing for *Minehead*.

The Petitioner's Counsel proceeded and examined a Witness, one *John Viccary*, upon the Head of Bribery, who gave Evidence that *Thomas Wickland* had confessed to him that he had received half a Guinea for his Vote: Upon which the sitting Member's Counsel insisted, that the said *Thomas Wickland* should be called in to confront the said *Viccary*.

And he was called in ; and the said *Viccary* gave his Evidence before the said *Wickland* ; upon which the sitting Member's Counsel insisted, that the said *Wickland*, should be examined in relation to the Discourse that the said *Viccary* alledged to have passed between them ; which the Petitioner's Counsel opposed.

*Resolved*, That *Thomas Wickland* be examined in the presence of *John Viccary*, in relation to the Discourse that the said *Viccary* alledged to have passed between them two, relating to the Money said to be confessed to be given to the said *Wickland* by the sitting Member for his Vote.

23. *Resolved*, That *Joseph Alloway*, having been charged to have been a Distributer of Bribes, be examined as a Witness in this Cause.

*Veneris, 23 die Junii, 1721.*

The House (according to Order) proceeded to hear the Matter touching the Election for the Borough of *Whitchurch*, in the County of *Southampton*; and the Counsel on both sides were called in, and the Petition of *John Couduit*, Esq; complaining of an undue Election and Return for the said Borough, was read.

And the Petitioner's Counsel producing a Copy of the Poll taken at the Election, which was delivered to the Petitioner's Agent by the Mayor of the said Borough as a Copy of the Poll; but was not examined with the original Poll by the Person to whom the same was delivered by the Mayor.

The sitting Member's Counsel objected to the said Copy's being admitted as Evidence; and the Counsel of both Sides were heard thereupon; and then the Counsel were directed to withdraw.

*Resolved*, That the Papers offered by the Counsel for the Petitioner as a Copy of the Poll taken at the late Election of a Burgess for the Borough of *Whitchurch*, in the County of *Southampton*, which was delivered to the Petitioner's Agent by the Mayor of the said Borough, as a Copy of the Poll taken at the said Election, be admitted as Evidence.

*Jovis, 5 die Martii, 1729.*

*Upon the Hearing for Liverpool.*

The Petitioner's Council proceeded to give Evidence touching the Neglects and Refusals by the Mayors (for three Years last) to hold Common-councils (in order to the admitting Freemen) according

according to the Antient Usage of the Borough, and they produced one of the Record-books of the Borough, and an Entry therein of an Order made at an Assembly held the first Day of *May*, One thousand six hundred and seventy-nine, (appointed the first *Wednesday* in every Month to be a Council-day) was read; and several Witnesses were examined as to the frequent Callings of Common-councils formerly, and as to the Usage observed in admitting of Freemen, and also to undue Proceedings of the Mayor at the last Election; and his withdrawing himself from the Place of Polling before he had taken the Votes of several Persons who claimed to be admitted to vote for the Petitioner. And

*Henry Orme* being called, and examined, and producing a List taken by him, of divers Persons who gave their Votes for the Petitioner, after the Mayor had left the Place of Polling,

*Resolved*, That the Papers produced by *Henry Orme*, containing a List taken by him of Persons who voted for the Petitioner, after the Mayor had left the Place of Polling, be admitted as Evidence of such Persons voting.

*Martis, 24 die Martii, 1729.*

*Liverpool.*

26. *Resolved*, That Mr. *Richard Houghton* be admitted to give Evidence of Persons having declared to him, that they would have voted for the sitting Member, if any who were not sworn Freemen had been allowed to vote.

*Veneris, 16 die Januarii, 1735.*

27. *Ordered*, That the Counsel at the Bar of this House, or before the Committee of Privileges and Elections, be restrained from offering Evidence touching the Legality of Votes for Members to



serve in Parliament for any County, Shire, City, Borough, Cinque-port or Place, contrary to the last Determination in the House of Commons, which Determination, by an Act passed in the second Year of his present Majesty's Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament*, is made final to all Intents and Purposes whatsoever, any Usage to the contrary notwithstanding.

28. *Ordered*, That the said Order be a standing Order of the House.

*Martis, 10 die Februarii, 1735.*

*On a Hearing for Southwark.*

29. A Motion was made, and the Question being put, that the Counsel for the Petitioner be admitted to examine Persons who voted at the last Election of Members to serve in Parliament for the Borough of *Southwark*, to prove that they voted otherwise, than they were set down to do upon the Bailiff's Poll.

It passed in the Negative, *Nemine contradicente*.

30. N. B. *There were read on this Occasion two Resolutions, out of the Journals, viz. twentieth Day of January, One thousand seven hundred and ten, in the Case of Samuel Freeman, on a Hearing for Rutlandshire, and fourteenth Day of July, One thousand seven hundred and fifteen, in the Case of Edward Kemp, on a Hearing for Bedfordshire: They are both to the Effect of the foregoing Resolution.*

*Jovis, 12 die Februarii, 1735.*

*On the further Hearing for Southwark.*

31. A Motion was made, and the Question being put, That the Petitioner's Counsel be admitted



to examine *Thomas Gaman*, to prove his having received a Bribe to give his Vote for the sitting Member; the said *Thomas Gaman* having at the Time of the Election taken the Oath, which by the Act for preventing Bribery and Corruption in the Election of Members to serve in Parliament is appointed, if demanded, as therein is mentioned to be taken by Persons having, or claiming to have, a Right to vote at Elections of Members to serve for the Commons in Parliament;

It passed in the Negative.

*Martis, 23 die Februarii, 1735.*

*On a Hearing for Yorkshire.*

32. *Resolved*, That Books called the Original Poll-books of the last Election of Members to serve in Parliament for the County of *York* produced by *Robert Appleton*, Deputy-clerk of the Peace for the East Riding of the said County, and which were delivered over to him by the High Sheriff of the said County in open Court, at the Quarter Sessions of the Peace of the said Riding, about two Months after the said Election, as the original Poll taken at the said Election, and which have been kept by him the said Deputy-clerk of the Peace ever since, among the Records of the Sessions of the Peace for the said Riding, the said Books not being delivered over by the said Sheriff within the Time, nor upon Oath, as required by the Act of the tenth Year of the Reign of the late Queen (*for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for electing Knights of Shires to serve in Parliament*) be admitted as Evidence.

*Jovis,*

*Jovis, 26 die Februarii, 1735.*

*On the further Hearing for Yorkshire.*

33. *Resolved*, That the Counsel for the Petitioners be admitted to give Parol Evidence, as to a Person being no Freeholder at the Time of the Election, who swore himself then to be a Freeholder.

34. *N. B. Before the foregoing Resolution passed, these following Journals were read, viz.*

*Of the seventeenth Day of April, 4to C. 1. touching an Election for Yorkshire, and Resolutions thereupon.*

*Of the seventeenth Day of January, One thousand seven hundred and ten, in the Case of the County of Rutland.*

*And of the seventeenth Day of April, One thousand seven hundred and thirty-five, in relation to the Parol Evidence given against the sitting Member's Qualification, in the Case of the Borough of Wendover.*

*Martis, 2 die Martii, 1735.*

*Upon the further Hearing for Yorkshire.*

35. *Resolved*, That the Counsel for the Petitioners be admitted to give Evidence as to what a Voter confessed of his having no Freehold, who at the Election swore he had.

36. *N. B. Before the foregoing Resolution passed, the following Journals, &c. were read, viz.*

*Journal of the sixteenth Day of April, One thousand seven hundred and thirty-five, in the Case of the County of Northumberland,*

*And the Resolution of the twelfth Day of February last (supra) relating to Thomas Gaman.*

37. *Re-*

37. *Resolved*, That the Counsel for the Petitioner's be admitted to give Evidence as to a Person's having no Freehold at all, to whom the Petitioners objected in their List of Objections, that such Person had not a Freehold of forty Shillings *per Annum*.

*Jovis, 22 die Aprilis, 1736.*

38. *Upon the further Hearing for Yorkshire.*

The Counsel for the Petitioners summed up their Evidence; by which they alledged, That they had disqualified several Persons as not being assessed to the publick Taxes, Church-Rates, and Parish-Duties; — others, as having no Freehold in the Place where they swore that their Freeholds did lye; and of them, several as having no Estate at all, — as being Schoolmasters, — Parish-Clerks, — Curates, — Hospital-men, — Lease-holders and Copy-holders; others as not having Freeholds of forty Shillings *per Annum*; — as being Minors; — as having purchased their Freeholds within one Year before the Election; — as having been influenced to vote by Threats; — as having voted twice; — one, as being an Alien; and others whose Votes appear upon the Poll, though there are no such Persons either in the Places where they swore their Freeholds did lye, or in the Places where they swore that their abode was.

39. *Tho' the next foregoing Paragraph be not a Resolution, but an Enumeration by Counsel (collected by Mr. Speaker) of Objections against Persons voting as Freeholders; yet, 'tis conceived it may be of Use, to help the Memory on Elections for Counties, &c.*

**Flint.**

*Martis, 21 die Maii, 1728.*

1. *Resolved*, That the Right of Election of a Burgeſs to ſerve in Parliament for the Town of *Flint*, in the County of *Flint*, is in the Inhabitants of the Boroughs of *Flint*, *Rhyddlan*, *Overton*, *Caerways*, *Caergurley*, paying Scot and Lot.

2. *Resolved*, That the Inhabitants of *Knolton* and *Overton-Foreign*, paying Scot and Lot in the Pariſh of *Overton*, have a Right to vote in the Election of a Burgeſs to ſerve in Parliament for the Town of *Flint*.

*Jovis, 24 die Martii, 1736.*

3. *On a Hearing for the Borough of Flint.*

The laſt Determination of the Houſe, concerning the Right of electing a Burgeſs to ſerve in Parliament for the ſaid Borough, made the twenty-fiſt Day of *May*, 1728, was read,

And alſo

The ſtanding Order made upon the ſixteenth Day of *January*, 1735, for reſtraiing Counſel from offering Evidence touching the Legality of Votes — contrary to the laſt Determination of the Houſe of Commons.

*Martis, 5 die Aprilis, 1737.*

*On a further Hearing.*

4. A Motion was made, and the Queſtion being propoſed, That the Inhabitants of the ſeveral Boroughs of *Flint*, *Rhyddland*, *Caerways*, *Caergurley*, and *Overton* (including *Knolton*, and *Overton-Foreign*) renting Lands or Tenements for which the



the Landlords thereof, only pay Scot and Lot, have a Right to vote in the Election of a Burgeſs to ſerve in Parliament for the Borough of *Flint*, in the County of *Flint*.

And the previous Queſtion being put, that that Queſtion be now put ;

It paſſed in the Negative.

*Martis, 19 die Aprilis, 1737.*

5. *On the further Hearing.*

The Counſel for the ſitting Member — examined ſeveral Witneſſes touching the Occaſion of examining upon Oath into the Qualification of the Electors, and of protracting the Poll, and touching Threats and abuſive Language offered to the returning Officers, and an Affault upon one of them, and the Declaration of the Number of Votes, and the Demand of a Scrutiny, and the Manner of declaring the Majority, and other Tranſactions at and after the ſaid Election.

And the Record of *Niſi Prius* upon an Information proſecuted againſt *Richard Williams*, Clerk, for the ſaid Affault upon *John Roberts*, one of the Returning Officers, being produced ; the Verdict of the Jury, by whom the ſaid *Richard Williams* was convicted of the ſaid Affault, was read.

*Jovis, 28 die Aprilis 1737.*

6. *On a further Hearing.*

*Resolved*, That Sir *George Wynn*, Bart. (the ſitting Member) is duly elected a Burgeſs to ſerve in this preſent Parliament for the Borough of *Flint*, in the County of *Flint*.

*Veneris,*

*Veneris, 19 die Martii, 1741.*

7. *On a further Hearing.*

*Resolved*, That the Counsel for the Petitioners be admitted now to proceed to shew, that the Inhabitants of the several Boroughs of *Flint, Rhydlan, Caerways, Caergurley, and Overton* (including *Knolton* and *Overton-Foreign*) renting Lands or Tenements for which the Landlords thereof, only pay Scot and Lot, have not a Right to vote in the Election of a Burgeſs to ſerve in Parliament for the Borough of *Flint*, in the County of *Flint*.

The Counsel were again called in; and Mr. *Speaker* acquainted them with the ſaid Resolution.

Then the Counsel for the Petitioners were heard, in order to ſhew, that ſuch Inhabitants have not that Right.

And the Counsel for the ſitting Member were heard by way of Answer, and examined ſeveral Witneſſes, in order to ſhew, that, by the Uſage of the ſaid Borough, ſome Landlords of Tenements are rated, and pay for Tenements occupied by their Tenants, and that Tenants have a Right to vote, and have voted, in the Elections of a Member to ſerve in Parliament for the ſaid Borough.

And the Counsel for the Petitioners having replied; the Counsel on both Sides were again directed to withdraw.

A motion was made, and the Queſtion being put, that the Inhabitants of the ſeveral Boroughs of *Flint, Rhydlan, Caerways, Caergurley, and Overton* (including *Knolton, and Overton-Foreign,*) renting Lands or Tenements, for which the Landlords thereof, only pay Scot and Lot, have a Right to vote in the Election of a Burgeſs to ſerve in Parliament for the Borough of *Flint*, in the County of *Flint*.

It paſſed in the Negative.

*Folwey.*

**Fowey.**

*Lunæ, 5 die Maii, 1701.*

1. *Resolved, (by the Committee)* That the Right of electing Burgesses to serve in Parliament for the Borough of *Fowey* in the County of *Cornwall*, is in the Prince's Tenants who are capable of being Portreeves of the said Borough, and in such Inhabitants of the said Borough only as pay Scot and Lot.

*It does not appear by the printed Votes that the House agreed to this Resolution.*

2. *The Journal.*

**Freedom of Elections.**

See ALMS, BRIBERY, OFFICES, RIOTS,  
TREATING.

*Veneris, 3 die Martii, 1698.*

1. *Resolved*, That the Proceedings of *William Hucks*, Esq; (in presuming to make use of the Authority of the Government to the Borough of *Abingdon*, in order to be elected a Burgess for the said Borough) is a scandalous Reflexion upon the Government, and tends to subvert the Freedom of Elections of Members to serve in Parliament.

2. *Ordered*, That the said *William Hucks*, Esq; be taken into Custody.

*Mercurii, 18 die Novembris, 1702.*

3. *Resolved, Nemine contradicente*, That Sir *John Packington* has, by Evidence, fully made out the Charge which he exhibited against the Lord Bishop of *Worcester*.

4. *Resolved, Nemine contradicente*, That Sir *John Packington* has, by Evidence, fully made out the Charge

Charge against Mr. *Lloyd*, the said Lord Bishop's Son.

5. *Resolved*, That it appears to this House, that the Proceedings of *William* Lord Bishop of *Worcester*, his Son and his Agents, in order to the hindering the Election of a Member for the County of *Worcester*, have been malicious, unchristian, and arbitrary, in Violation of the Liberties and Privileges of the Commons of *England*.

6. *Resolved*, That an humble Address be presented to her Majesty, that she will be graciously pleased to remove *William* Lord Bishop of *Worcester*, from being Lord Almoner to her Majesty.

7. *Ordered*, That the said Resolution and Address be presented to her Majesty, by such Members of this House as are of her Majesty's most honourable Privy-Council.

8. *Ordered*, That Mr. *Attorney General* do prosecute Mr. *Lloyd*, the Lord Bishop of *Worcester*'s Son, for his said Offences.

*Mercurii, 25 die Novembris, 1702.*

9. *Ordered*, That the Evidence given at the Bar of this House, upon the Charge of Sir *John Packington* against *William* Lord Bishop of *Worcester* and Mr. *Lloyd* his Son, be printed; together with the Proceedings of this House thereupon.

10. *Ordered*, That the Clerk's Book in relation to the said Evidence be examined; and that Mr. *Speaker* do take care of the Printing of the said Evidence and Proceedings.

*Sabbati, 17 die Martii, 1710.*

11. *Resolved*, That *Edward Tiffard* Mayor of the said Borough (of *Weymouth* and *Melcombe Regis in Com. Dorset*) is guilty of several arbitrary and illegal



legal Practices, in the late Election of Members to serve in Parliament for the said Borough.

12. *Ordered*, That *Edward Tiffard*, Mayor of the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorset*, be taken into the Custody of the Serjeant at Arms attending the House, for the said arbitrary and illegal Practices.

13. *On Monday the 22d of April following he was brought to the Bar, reprimanded on his Knees, and discharged, paying his Fees.*

14. *And on the 2d of May, 1711, the like Votes were repeated concerning him on another Election.*

*Mercurii, 14 die Martii, 1710.*

15. *Resolved*, That it appears to this House, that *William Lord Bishop of Carlisle*, hath dispersed several Copies of a Letter, pretended to have been received from *Sir James Montague* (Member of this House) in order to procure *Sir James Montague* to be elected a Citizen of the City of *Carlisle*, reflecting on the Honour of her Majesty; and by concerning himself in the said Election, hath highly infringed the Liberties and Privileges of the Commons of *Great Britain*.

*Jovis, 17 die Martii, 1725.*

16. *Resolved, Nemine contradicente*, That it appears to this House, that *Mr. Richard Shrimpton*, Mayor of the Borough of *Cheping-Wicombe* in the County of *Bucks*, has been guilty of divers arbitrary, illegal, and partial Proceedings at the late Election of a Burgess to serve in this present Parliament for the said Borough of *Cheping-Wicombe*, in Violation of the Freedom of Elections of Members to serve in Parliament.

17. *Ordered*, That the said *Richard Shrimpton* be, for the said Offences, committed Prisoner to the

M

Prison

Prison of *Newgate*; and that Mr. *Speaker* do issue his Warrant accordingly.

18. *Resolved*, That *Edward Marshal* having presumed to read the Proclamation against Riots, while the Burgeſſes of the Borough of *Cheping-Wicombe* in the County of *Bucks* were legally aſſembled, by Virtue of his Maſteſty's Writ for electing a Burgeſſ to ſerve in this preſent Parliament for the ſaid Borough, without having ſufficient Authority ſo to do, is guilty of an high Infringement of the Freedom of Elections.

19. *Ordered*, That the ſaid *Edward Marshal* be, for the ſaid Offence, taken into the Cuſtody of the Serjeant at Arms attending this Houſe.

*Jovis, 27 die Februarii, 1700.*

*Upon a Hearing.*

20. *Resolved*, That Mr. *Edward Martyn*, Mayor of the Town and Port of *Winchelsea*, is guilty of Threats and indirect Practices, in order to procure an Election of Members to ſerve in this preſent Parliament for the ſaid Town and Port of *Winchelsea*.

*He was ordered into Cuſtody.*

21. *Ordered*, That no Writ do iſſue this Seſſion for electing, &c.

22. *And an Addreſs was reſolved on. That the King would order Mr. Martyn to be turned out of his Employment in the Cuſtoms.*

*Which was done accordingly, as appears by the Votes, 3 Martii, 1700.*

*Stampound.*

*Martis, 13 die Julii, 1742.*

*Ordered*, That Mr. *Speaker* do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ

Writ for the electing of a Burgeses to serve in this present Parliament for the Borough of *Grampound*, in the County of *Cornwall*, in the room of *Daniel Bovue*, Esq; who, since his Election for the said Borough, hath accepted the Office of Commissary General of the Musters.

### **Grantham.**

*Jovis, 11 die Januarii, 1710.*

1. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Grantham*, in the County of *Lincoln*, is in the Freemen of the said Borough not receiving Alms or Charity.

### **Harwich.**

*Martis, 6 die Aprilis, 1714.*

1. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Harwich*, in the County of *Essex*, is in the Mayor, Aldermen, and capital Burgeses, or Headboroughs of the said Borough residing within the said Borough.

### **Haslemere.**

*Jovis, 9 die Februarii, 1698.*

1. The Right of Election for the Borough of *Haslemere*, in *Com. Surry*, was agreed to be in the Freeholders resident within the Borough.

*24 die Aprilis, 1755.*

2. *Resolved*, That in the last Determination of the House, of the Right of Election for the said Borough of *Haslemere* in the County of *Surry*, made

the twentieth Day of *May*, in the Year One thousand six hundred and sixty-one, which is as followeth, *viz.* " That the Inhabitant Freeholders there have only Voice in Election." By the word, " Freeholders," is meant only Freeholders of Messuages, Lands, or Tenements, lying within the Borough and Manor of *Haslemere*, whether the same pay Rent to the Lord of the said Borough and Manor or not, exclusive of any Lands or Tenements which are, or have been Parcel of the Waste Ground of the said Borough and Manor, or any Messuages or Buildings which are, or shall be, standing or being thereon.

### **Hastings.**

*Veneris, 20 die Januarii, 1698.*

1. *Resolved*, That the Right of Election of Members of Parliament, for the Port of *Hastings* in the County of *Suffex*, is in the Mayor, Jurats and Freemen resident, and not receiving Alms, only.

*Jovis, 1 die Aprilis, 1742.*

2. *Ordered*, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Baron to serve in this present Parliament for the Port of *Hastings*, in the County of *Suffex*, in the Room of *Andrew Stone*, Esq; who, since his Election for the said Port, hath accepted the Office of Secretary of the Island of *Barbadoes*.

### **Haverford-West.**

*Lunæ, 4 die Julii, 1715.*

1. *Resolved*, That the Proceeding of the Mayor and Common-Council of the Town of *Haverford-West*



*West* in making Burgesſes without the Conſent of the Commonalty, was illegal, and contrary to the Rights of the ſaid Town; and that the Burgeſſes ſo pretended to be made, have not thereby acquired any Right of voting in any future Elections:

### Hertford.

*Martis, 27 die Januarii, 1701.*

1. *Resolved*, That the Right of electing Members to ſerve in Parliament for the Borough of *Hertford*, is not in ſuch Perſons only as are Inhabitants, Houſholders of the ſaid Borough not receiving Alms, and in ſuch Freemen, who, at the Time of their Freedom granted to them, were Inhabitants of the ſaid Borough, or of the Pariſhes thereof.

2. *Resolved*, That the Right of electing Members to ſerve in Parliament for the Borough of *Hertford*, is in all the Freemen, and alſo in all the Inhabitants, being Houſholders, and not receiving Alms.

*Jovis, 6 die Decembris, 1705.*

3. *Resolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Hertford*, is in the Inhabitants not receiving Alms, and in ſuch Freemen only, as, at the Time of their being made Free, were Inhabitants of the ſaid Borough, or the Pariſhes thereof; the Number of the Freemen living out of the Borough, not exceeding three Perſons.

[*See the Votes of the Day following, where this Reſolution is thus printed.*]

## Hearing.

See EVIDENCE.

*In the Sessions of the Years One thousand Seven hundred and seven-eight, and of One thousand Seven hundred and eight-nine, the Hearings for Elections were ordered to be at the Bar of the House, and divers standing Orders were made Sabbati, the twenty-first day of February, One thousand Seven hundred and seven, for ballotting upon such Questions: but on the fifteenth of November, One thousand Seven hundred and nine, the former Method by Committes, was resumed.*

*Lunæ, 18 die Martii, 1727.*

1. *Resolved*, That in all Cases on double Returns, where the same shall be controverted, either at the Bar of this House, or in Committees of Privileges and Elections, the Counsel for such Person who shall be first named in such double Return, or whose Return shall be immediately annexed to the Writ or Precept, shall proceed in the first Place.

*Ordered*, and declared, That the said Order be a standing Order of the House. See 4.

2. *Martis, 8 die Junii, 1714.*

The House being informed, that (in relation to the Election for the Borough of *Harwich*, in the County of *Essex*, the Merits of which Election is to be heard To-morrow in the Afternoon, before the Committee of Privileges and Elections) the Solicitors for the Petitioner and sitting Member had but yesterday delivered to each other, Lists of several Persons Names, whom they intend to object against, upon account of their not being qualified according to the Corporation Act, and that the Satisfaction of them will require some Time.

*Ordered*,

*Ordered*, That it be an Instruction to the said Committee, that they do put off the hearing the Merits of the said Election until To-morrow seven-night.

See *Monmouth*. 1.

3. *Veneris*, 16 die *Januarii*, 1735.

*Resolved*, That in all Cases of controverted Elections for Counties in *England* and *Wales* to be heard at the Bar of this House, or before the Committee of Privileges and Elections, the Petitioners do, by themselves or their Agents, within a convenient Time to be appointed either by the House, or the Committee of Privileges and Elections, as the Matter to be heard shall be before the House or the said Committee, deliver to the sitting Members or their Agents, Lists of the Persons intended by the Petitioners to be objected to, who voted for the sitting Members; giving, in the said Lists, the several heads of Objection, and distinguishing the same against the Names of the Voters excepted to; and that the sitting Members do, by themselves, or by their Agents, within the same Time, deliver the like Lists, on their Part, to the Petitioners, or their Agents.

[*The above was not a standing Order.*]

4. *Jovis*, 23 die *Martii*, 1737.

*On a Hearing for New-Windsor,*

*On a double Return.*

The Counsel for the Petitioner the Lord *Vere Beauclerk* (the Deputy-Clerk of the Crown attending, according to Order, with the last Return for the said Borough; and the said Petitioners Return appearing to be immediately annexed to the Precept) proceeded in the first Place, pursuant to the

standing Order of the House, made the eighteenth Day of *March*, One thousand seven hundred and twenty-seven, and were heard. *See sec. 1. above.*

### **Hedon.**

1. *Martis, 3 die Aprilis, 1746.*

*Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Hedon*, in the County of *York*, is in the Burgesses of the said Borough.

*Jovis, 5 die Februarii, 1746.*

Upon the further Hearing for the Borough of *Hedon*, the Counsel were called in,

And the Counsel for the Petitioner proceeded in their Evidence, in order to disqualify several other Persons, who voted for the sitting Member at the said Election, as being influenced by Bribery.

And having proposed to examine Witnesses, in order to prove a Confession, made both before and after the said Election, by *William Ellis*, one of the said Persons, that he, the said *William Ellis*, had received a Bribe to vote for the sitting Member.

And the Counsel for the sitting Member having objected to the Admission of this Evidence, the said *William Ellis* having, at the said Election, taken the Oath appointed by an Act made in the second Year of his present Majesty's Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament*;

And the Counsel for the Petitioner having made Answer to that Objection;

And the Counsel for the sitting Member having replied to that Answer;

The Counsel on both Sides were directed to withdraw.

The



The House was moved, that the Journal of the House of the twelfth Day of *February*, One thousand seven hundred and thirty-five, might be read, in Relation to the Resolution of the House, in the Case touching the Election and Return for the Borough of *Southwark*, in the County of *Surry*, whereby the Petitioner's Counsel were restrained from examining *Thomas Gaman*, to prove his having received a Bribe to give his vote for the sitting Member, the said *Thomas Gaman* having at the Time of that Election, taken the Oath required by the said Act.

The House was also moved, that the Journal of the House of the eighteenth Day of *January*, One thousand seven hundred and forty-four, might be read, in Relation to the Proceedings of the House in the Case, touching the Election and Return for the Borough of *Great-Marlow*, in the County of *Bucks*; when the Counsel for the Petitioner proposed to prove, that a Person, who voted for the sitting Member, had been induced to give his Vote both by Threats and Promises, and proposed to prove that Fact by Evidence of the Confession of that Person.

And the said Journals were read accordingly.

The Counsel on both Sides were again called in; and the Counsel for the Petitioner were directed to proceed in their Evidence.

Then a Witness was examined, in order to prove the Confession of the said *William Ellis*, made before the said Election, that he had received a Bribe to vote for the sitting Member.

Then the Counsel on both Sides were direct to withdraw.

They were again called in.

And the said Witness was further examined, in order to prove the like Confession of the said *William Ellis*, made after the said Election.

A Motion

A Motion was made, and the Question being put, that the receiving of Sacrament-Money does disqualify Persons to vote in Elections of Members to serve in Parliament;

It passed in the Negative, *Nemine contradicente.*

*Lunæ, 9 die Februarii, 1746.*

2. *On the further Hearing for Hedon.*

Then the Counsel for the sitting Member alledged, that the Petitioner was incapable of being elected a Member to serve in Parliament, having been convicted of an Offence against an Act made in the second Year of his present Majesty's Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament*; by which Act every Person so offending, being convicted thereof, is for ever disabled to vote in any Election of Members to Parliament; and also to hold, exercise, and enjoy any Office, or Franchise, to which he then shall, or at any Time afterwards, may be intitled, as a Member of any City, Borough, Town Corporate, or Cinque-Port, as if such Person was naturally dead.

And an attested Copy of the Record of the Judgment given upon the Action brought in the Court of *Common-Pleas* at *Westminster*, in *Hilary Term*, in the sixteenth Year of his present Majesty's Reign, against the Petitioner, for the Penalty contained in the said Act, was produced and read

And then the Counsel on both Sides were directed to withdraw.

*Ordered*, That the further Hearing of the Matter of the said Petition, be adjourned till To-morrow Morning.

Note, *On the eleventh of the same Month it was resolved, that the Petitioner was duly elected.*

*Higham.*

### Higham-Ferrers.

*Jovis, 28 die Januarii, 1702.*

1. *Resolved*, That the Right of electing a Burgeses to serve in Parliament for the Borough of *Higham-Ferrers*, in the County of *Northampton*, is in the Mayor, Aldermen, Burgeses and Freemen, being Householders, and not receiving Alms.

### Hindon.

*Jovis, 3 die Aprilis, 1701.*

1. *Resolved by the Committee*, That the Right of electing Burgeses to serve in Parliament for the Borough of *Hindon*, is in the Bailiff, Burgeses, and such Inhabitants only as pay Scot and Lot.

2. *Resolved*, That *R. C. Esq;* is not duly elected, &c.

3. *Resolved*, That *G. M. Esq;* is not duly elected, &c.

The first Resolution being read a second Time.

And a Motion being made, and the Question being put, That the House do agree with the Committee in the said Resolution;

It passed in the Negative.

The second Resolution being read a second Time,

*Resolved*, That it be re-committed.

4. *Ordered*, That the Matter, upon the Re-commitment, be heard before the Committee of Privileges and Elections upon this Day three Weeks.

5. *Martis, 13 die Maii, 1701.*

*Resolved*, That the Right of electing Burgeses to serve in Parliament for the Borough of *Hindon*,  
is

is in the Inhabitants of the said Borough, not receiving Alms.

Agreed to by the House.

6. *Veneris, 12 die Aprilis, 1728.*

*Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Hindon*, in the County of *Wilts*, is in the Inhabitants of Houses within the said Borough, being House-keepers and Parishioners, not receiving Alms.

### **Honiton.**

*Sabbati, 3 die Februarii, 1710.*

1. *Resolved*, That the Right of electing Members to serve in Parliament for the Borough of *Honiton*, in the County of *Devon*, is in the Inhabitants of the said Borough, paying Scot and Lot only.

2. *Veneris, 18 die Decembris, 1724.*

*Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Honiton*, in the County of *Devon*, is in the Inhabitants, House-keepers within the said Borough, commonly called *Pot-Wallers*, not receiving Alms of the Parish.

### **Horsham.**

*Jovis, 16 die Junii, 1715.*

1. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Horsham*, in the County of *Suffex*, is in all such Persons as have an Estate of Inheritance, or for Life in Burgage-houses or Burgage-lands, lying within the said Borough.

**Hyeth.**



*Hyeth.*

*Sabbati, 27 die Januarii, 1710.*

1. *Resolved*, That it is the Opinion of this Committee, that the Right of Election of Barons] to serve in Parliament for the Town and Port of *Hyeth*, in the County of *Kent*, is in the Mayor, Jurats, Common-council and Freemen.

Agreed to by the House.

*Ilchester.*

*Martis, 1 die Aprilis, 1679.*

1. A double Return for *Ilchester* (in *Com. Somerset*).

First an Indenture between the High Sheriff of *Somerset* on one Part, and Sir *Edward Philips*, Knight, and eight other capital Burgesses of the other Part, witnessing, that they had chosen *Edward Philips* and *Robert Hunt*, Esqrs; in witness whereof the said Burgesses had put their common Seal.

A broad Seal affixed accordingly, and several Hands subscribed, but the Bailiff is not a Party, nor subscribed nor sealed it.

*Secondly*, An Indenture between the said Sheriff of one Part, and the Bailiff and Burgesses of the other Part, witnessing, that, &c. they had chosen *William Strode* and *John Speake*, Esqrs; in witness whereof the said Bailiff or his Deputy, together with the Burgesses, have put their Hands and Seals; there was only one Seal affixed, and over it *Thomas Hollyard*, Bailiff. On the same Indenture *John Lockyer*, *George Slade*, and on the Back, many Witnesses, &c.

*Resolved*,

*Resolved*, That the Indenture wherein *William Strode*, Esq; and *John Speake*, Esq; are returned Burgeſſes to ſerve in this preſent Parliament for the Borough of *Ilcheſter*, in the County *Somerſet*, is well and duly returned, and by the proper Officer, and that thereupon they ought to ſit as duly returned to ſerve in this preſent Parliament for the ſaid Borough.

### **Inverneſs.**

*Martis, 23 die Octobris, 1722.*

1. The Houſe being informed by two of their Members, that they did ſee *Alexander Baillie*, whom they knew to be the Common-clerk of *Inverneſs* (the preſiding Burgh of the Diſtrict) ſign and ſeal an Indenture of Return of *Duncan Forbes*, Esq; and that one of the ſaid Members did ſee the ſaid Common-clerk tender the ſame to the Sheriff-depute of the Shire of *Inverneſs*; and that the ſaid Sheriff reſuſed to accept the ſame: The ſaid Indenture of Return was delivered in at the Table, where the ſame was read.

*Resolved, Nemine contradicente*, That the Clerk of the Crown do take off the File the Return ſigned by *Hugh Baillie*, the ſame not being ſigned by the Common-clerk of *Inverneſs*; being the preſiding Borough at the laſt Election of a Burgeſſ of the Diſtrict of Boroughs of *Inverneſs*, *Nairn*, *Forres*, and *Fortroſe*.

2. *Ordered*, That the Clerk of the Crown do annex to the Writ, the Return ſigned by *Alexander Baillie*, the Common-clerk of *Inverneſs*, the preſiding Burgh of the ſaid Diſtrict of Burghs.

*Robert Gordon, the Sheriff-depute, and Hugh Baillie, were ordered to attend.*

**Ipswich.**

**Ipswich.**

*Sabbati, 3 die Februarii, 1710.*

1. *Resolved*, That the Right of Election of Bur-  
gessees to serve in Parliament for the Borough of  
Ipswich, in the County of Suffolk, is in the Bailiffs,  
Portmen, and Common-council-men, and Free-  
men at large, not receiving Alms.

*Mercurii, 31 die Martii, 1714.*

2. *Resolved*, That Portmen are an essential con-  
stituent Part of the Great Court for making Free-  
men of the Borough of Ipswich; without some of  
which Portmen being present, the said Court can-  
not be held.

*Jovis, 1 die Aprilis, 1714.*

3. A Motion being made, and the Question  
being put, That the Persons voted Freemen at the  
pretended Great Courts held in the Corporation of  
Ipswich, the fifteenth of June, the seventh of Au-  
gust, the twenty-fifth of September, and the twen-  
ty eighth of September, One thousand seven hun-  
dred and eleven, without any legal Portmen then  
present, were duly made, and have a Right to  
vote for Members to serve in Parliament for the  
Borough of Ipswich;

It passed in the Negative.

**St. Ives.**

*Martis, 8 die Decembris, 1702.*

1. *Resolved*, That the Right of Election of Bur-  
gessees to serve in Parliament for the Borough of  
*St. Ives*, in the County of *Cornwall*, is in the Inha-  
bitants

bitants of the said Borough, paying Scot and Lot.

2. *Resolved*, That Mr. *John Hicks*, Mayor of the said Borough of *St. Ives*, is guilty of making a false Return of a Member to serve in Parliament for the said Borough of *St. Ives*, contrary to the last Determination in Parliament.

3. *Ordered*, That the said Mr. *John Hicks*, be, for his said Offence, taken into the Custody of the Serjeant at Arms attending this House.

### Launceston.

*Martis*, 17 die *Martii*, 1723.

1. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Dunbeved*, alias *Launceston*, in the County of *Cornwall*, is in the Mayor, Aldermen, and Freemen, being Inhabitants at the Time they were made free, and not receiving Pay of the Parish.

*Lunæ*, 24 die *Martii*, 1734.

2. *Resolved*, That the Aldermen of the Borough of *Dunbeved*, alias *Launceston*, in the County of *Cornwall*, ought to be elected out of the legal Freemen of the said Borough only.

### Leicester.

*Veneris*, 8 die *Februarii*, 1705.

1. *Resolved*, That such Freemen, as were made free at the Charge of any of the Candidates, had not a Right to vote at the last Election of Burgeses to serve in Parliament for the Borough of *Leicester*.

2. *Resolved*, That Persons living in the Borough *Leicester*, by Certificate, not having gained a Settlement



tlement by renting ten Pounds a Year, or serving in an annual Office, are not intitled, by paying Scot and Lot, to vote in the Election of Burgeſſes to ſerve in Parliament for the ſaid Borough.

### Leſkeard.

1. *Martis, 18 die Novembris, 1748.*

The Houſe being acquainted, that no Return had been made into the Office of the Clerk of the Crown, of a Burgeſſ to ſerve in this preſent Parliament for the Borough of *Leſkeard*, in the County of *Cornwall*, in the Room of *George Dennis, Eſq;* deceased,

*Ordered*, That the Deputy-clerk of the Crown do attend this Houſe to-morrow Morning, with the Returns from the County of *Cornwall*, for this preſent Parliament, and likewise with his Docket-Book of Writs and Returns for the Election of Members to ſerve in Parliament.

2. The Houſe being informed that the Under-ſheriff of the County of *Cornwall*, was in Town,

*Ordered*, That the ſaid Under-ſheriff do attend this Houſe to-morrow Morning.

3. *The reſt of the Proceedings concerning this Return (which are too long for our Plan) are to be found at length in the printed Votes of the next Day. The Caſe briefly was, a Writ had duly iſſued, and a Precept had been made thereon, and duly executed, returned to the Under-ſheriff the Indenture by him compared with a Counter-part, which he executed for the Sheriff; the Writ and Return were, at the Under-ſheriff's Requeſt, ſent by the Town-clerk by Poſt, to the Under-ſheriff's Agent in London, to be conveyed to the Clerk of the Crown; but were taken by Robbers, and by them deſtroyed: It appeared by the Information of a Member and another Perſon, who were preſent, that Charles*

N

Trelawney,

Trelawney, Esq; was elected and returned; the Counter-part of the Indenture was produced and read; and stat. 7 H. 4. and Part of 23 H. 6. were read; and thereupon it was

Ordered, *Nemine contradicente*, That the Deputy-clerk of the Crown do file among the Returns of Members to serve in this present Parliament for the County of *Cornwall*, the Counter-part of the Indenture executed by the Sheriff of *Cornwall*, of the Return of *Charles Trelawney*, Esq; to serve in this present Parliament as a Burgess for the Borough of *Liskeard*, in the said County, in the Room of *George Dennis*, Esq; deceased, as the Return of the said *Charles Trelawney*, to Parliament; it appearing to this House, that the Writ and the principal Part of the aforesaid Indenture, were taken away, in coming up to the Clerk of the Crown, by Highwaymen, who destroyed the same by burning them.

And he filed the same accordingly.

### **Lestwithiel.**

*Martis, 20 die Decembris, 1709.*

*It. Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Lestwithiel*, in the County of *Cornwall*, is in the Mayor and six capital Burgesses, together with the seventeen Assistants annually chosen, and who had a Right to vote at the preceding Election of a Mayor.

### **Lewes.**

*Lune, 8 die Maii, 1735.*

*It. Resolved (by the Committee)* That the Right of Election of Burgesses to serve in Parliament for  
the

the Borough of *Lewes*, in the County of *Sussex*, is in the Inhabitants, being Household-ers, paying Scot and Lot.

Agreed to by the House, *Nemine contradicente*.

### *Litchfield.*

*Sabbati, 10 die Maii, 1701.*

1. *Resolved (by the Committee)* That the Bailiff, Magistrates, Freeholders of forty Shillings a Year, and all that hold by Burgage-Tenure, have a Right to vote in the Election of Citizens to serve in Parliament for the City of *Litchfield*.

2. *Resolved*, That such Freemen only of the said City as are inrolled, and pay Scot and Lot, have also a Right to vote in the Election of Citizens to serve in Parliament for the said City of *Litchfield*.

3. *Resolved*, That such Freemen of the Taylors Company as are inrolled in the old Book of the Constitutions of the Taylors Company in the City of *Litchfield*, have not a Right to vote in the Election of Citizens to serve in Parliament for the said City.

4. *Resolved*, That such Freemen only of the Taylors Company, as are inrolled in the new Book of the Constitutions of the Taylors Company in the City of *Litchfield*, have a Right to vote in the Election of Citizens to serve in Parliament for the said City.

*To these four Resolutions the House agreed.*

*Mercurii, 10 die Decembris, 1718.*

5. *Resolved*, That the Right of Election of Citizens to serve in Parliament for the City of *Litchfield*, is in the Bailiffs, Magistrates, Freeholders of forty Shillings *per Annum*, and all that hold

( 180 )

by Burgage-Tenure, and in such Freemen only of the said City as are enrolled, paying Scot and Lot there.

### **Liverpool.**

*Jovis, 5 die Martii, 1729.*

1. *The Right of Election (for the Borough of Liverpool, in the County Palatine of Lancaster) was agreed, by the Counsel on both sides, to be in the Mayor, Bailiffs, and Freemen of the said Borough, not receiving Alms.*

### **Ludgershall.**

*Sabbati, 11 die Februarii, 1698.*

1. *Resolved, That the Right of electing Members to serve in Parliament for the Borough of Ludgershall, in the County of Wilts, is in such Persons, who have an Estate of Inheritance, or Freehold, or Leasehold, determinable upon Life, or Lives, within the said Borough.*

### **Ludlow.**

*Lunæ, 22 die Decembris, 1690.*

1. *Resolved, That the new Charter, granted to the Town of Ludlow, by the late King James, whereby the antient Method of electing Burgeses for Parliament is altered, is illegal and void.*

*Mercurii, 1 die Martii, 1698.*

2. *Resolved, That the Sons of Burgeses of Ludlow, and those that marry the Daughters of Burgeses, have a Right to be made Burgeses of the said Borough.*

3. *Re-*



3. *Resolved*, That every Person having a Right to be made a Burgeſs of the Borough of *Ludlow*, ought to demand ſuch his Right by Petition, ſigned by the Petitioner according to the Bye-Law made in the Year One thouſand ſix hundred and ſixty-three, and not otherwiſe.

### *Lymington.*

*Martis, 29 die Decembris, 1691.*

1. *Resolved*, That the Corporation of *Lymington* (in *Com. Southampton*) is a Corporation by Preſcription.

2. *Resolved*, That the Mayor and Burgeſſes of *Lymington* only have the Right to elect a Burgeſs to ſerve in Parliament for that Borough.

*Martis, 18 die Januarii, 1695.*

3. *Resolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Lymington*, is not in the Mayor, Burgeſſes, and Commonalty of the ſaid Borough, paying Scot and Lot.

4. *Resolved*, That the Right of electing Members to ſerve in Parliament for the ſaid Borough of *Lymington*, is only in the Mayor and Burgeſſes of *Lymington*, excluſive of the Commonalty, paying Scot and Lot.

*Jovis, 11 die Januarii, 1710.*

5. *Resolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Lymington*, in the County of *Southampton*, is not in the Mayor, Burgeſſes and Inhabitants of the ſaid Borough, not receiving Alms.

6. *Resolved*, That the Right of Election of Burgesſes to ſerve in Parliament for the Borough of *Lymington*, in the County of *Southampton*, is in the Mayor and Burgesſes of the ſaid Borough only.

### *Malden.*

*Veneris, 20 die Maii, 1715.*

1. Mr. *Hampden* (according to order) reported, &c.—as follow, *viz.*

*Resolved*, That it is the Opinion of this Committee, that the Right of Election of Members to ſerve in Parliament for the Borough of *Malden*, in the County of *Effex*, is in ſuch Freemen as do not receive Alms, and are intitled to Freedom by Birth, Marriage or Servitude.

2. *Resolved*, That it is the Opinion of this Committee, that ſuch Perſons who derive their Right to Freedom from Honorary Freemen of the Borough of *Malden* in the County of *Effex*, have not a Right to vote in the Election of Members to ſerve in Parliament for the ſaid Borough.

3. *Resolved*, That it is the Opinion of this Committee, that Perſons claiming their Freedom by Purchase, and exerciſing Trades within the Borough of *Malden*, in the County of *Effex*, have not a Right to vote in the Election of Members to ſerve in Parliament for the ſaid Borough.

4. *Resolved*, That it is the Opinion of this Committee, that *John Comyns*, Serjeant at Law, having at the late Election of Members to ſerve in Parliament for the Borough of *Malden*, in the County of *Effex*, wilfully reſuſed to take the Oath of Qualiſication, as is directed by an Act of Parliament of the ninth Year of the late Queen, (intituled *An Act for ſecuring the Freedom of Parliaments, by the farther qualiſying the Members to ſit in the Houſe of Commons*) though

though duly required so to do, and not having at any Time before the Meeting of this Parliament taken the said Oath, his Election is thereby void.

*Here follow two Resolutions of the Committee ; who are duly elected, &c.*

The said Resolutions being severally read a second Time, and the Question being severally put upon the three first of the said Resolutions, that the House do agree with the Committee in the said Resolutions.

It passed in the Negative.

The rest of the Resolutions being severally read a second Time, were, upon the Question severally put thereupon, agreed unto by the House.

### Malmesbury.

1. *Jovis, 18 die Decembris, 1740.*

*A new Writ was ordered for Malmesbury, &c. in the Room of Mr. Earle, who, since his Election, accepted the Office of Clerk of his Majesty's Ordnance.*

### Marlborough.

*Lunæ, 13 die Maii, 1717.*

1. *Resolved, That the Right of Election of Members to serve in Parliament for the Borough of Marlborough, in the County of Wilts, is in the Mayor and Burgeſſes of the ſaid Borough only.*

2. *Jovis, 27 die Martii, 1735.*

The last Determination of the House made the thirteenth Day of May, One thousand seven hundred and seventeen, concerning the Right of Election of Members to serve in Parliament for the said Borough, which was thereby resolved to be in the



Mayor and Burgesſes of the ſaid Borough only, was read.

And the Council for the Petitioners were heard, and having produced a Copy of the Poll taken at the ſaid Election, they offered to produce Evidence in order to diſqualify eleven Burgeſſes of the ſaid Borough, who voted at the ſaid Election, by controverting the Election of *Edward Bell*, one of the Common-council of the ſaid Borough and Town on which the Right of Election of thoſe Burgeſſes depended.

And the Couſel for the ſitting Members having objected to the Admiſſion of that Evidence, as contradicting a Verdict and Judgment given in Favour of the ſaid *Edward Bell's* Claim, upon an Information in the Nature of a *Quo Warranto*, brought againſt him for exerciſing the Office of one of the Common-council-men of the ſaid Borough and Town.

A Copy of the Record of the ſaid Information, Verdict and Judgment, was produced and read.

And Copies of ſeveral Rules of the Court of *King's Bench* made in that Cauſe were alſo produced and read,

And the Couſel for the Petitioners were heard, in Answer to the Objections made by the Couſel for the ſitting Members, and alledged, that a Writ of Error upon the ſaid Judgment was now pending in Parliament, which the Couſel for the ſitting Members admitted.

*And the Reſolution of the Houſe eight February, 7 Ann. concerning Thomas Smith, Bailiff of Bewdly; and the Journal of the Houſe, the fifteenth and ſeventeenth of April, concerning an Election for Queenborough, were read.*

*Reſolved*, That the Council for the Petitioners be admitted to give Evidence to diſqualify the Votes of eleven Burgeſſes of the Borough and  
Town



Town of *Marlborough*, by controverting the Election of *Edward Bell* to be one of the Common-council of the said Borough and Town of *Marlborough*, in contradiction to a Verdict obtained, and a Judgment given upon an Information in the Nature of a *Quo Warranto* brought against the said *Edward Bell*, in favour of his Claim, to be one of the Common-council-men of the said Borough and Town.

3. *Veneris, 28 die Martis, 1735.*

*After many other Pieces of Evidence given this Day, it was*

*Resolved, That Edward Bell was, before the seventh of November, One thousand seven hundred and twenty-nine, duly elected and sworn a Common-council-man of the Borough and Town of Marlborough.*

4. *And then two Resolutions passed in favour of the respective sitting Members.*

### **Great Marlow.**

*Martis, 21 die Decembris, 1680.*

1. *Resolved, That in the Borough of Great Marlow, in the County of Bucks, those Inhabitants only who pay Scot and Lot, have a Right to give Voices in the Election of Burgeesses to serve in this Parliament for the Borough, and*

2. *Veneris, 21 die Novembris, 1690.*

*The same Resolution as above.*

3. *Jovis, 17 die Januarii, 1744.*

*On an Hearing for Great Marlow.*

*Resolved*, That an Instrument in Writing, offered in Evidence by the Counsel for the Petitioner, as the original Will of *Elias Simes*, bearing date the eighth Day of *July*, One thousand seven hundred and thirty-eight, and containing a Devise of Lands, and produced at the Bar by *John Merchant*, as the original Will of *Elias Simes*; and which he the said *John Merchant* declared, he brought from *Doctors Commons*, be admitted to be given in Evidence; although no Proof be made of the said Will, by any of the subscribed Witnesses thereto.

### *Milbourn Port.*

*Martis, 8 die Decembris, 1702.*

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Milbourn Port*, in the County of *Somerset*, is only in the capital Bailiffs and their Deputies, in the Commonalty, Stewards, and the Inhabitants thereof, paying Scot and Lot.

*Martis, 26 die Januarii, 1741.*

*Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *Milbourn Port*, in the County of *Somerset*, in the Room of *Thomas Medlycott*, Esq; who, since his Election for the said Borough, hath accepted the Office of one of the Commissioners for licensing Hawkers and Pedlars.

2 die

2 die Decembris, 1747.

*Resolved*, That the Execution of the Precept for electing Burgesſes for the Borough of *Milbourn Port*, in the County of *Somerſet*, and the making the Return thereof, are only in the two Sub-bailiffs of the ſaid Borough; or in one Sub-Bailiffs of the ſaid Borough, if there are not two.

### *Minehead.*

*Jovis*, 23 die Maii, 1717.

1. The Clerk of the Crown attending (according to Order) with the Return for the Borough of *Minehead*, in the County of *Somerſet*,

The Indenture annexed to the Writ, and returned by the Sheriff to the Clerk of the Crown, and the Sheriff's Return endorsed upon the Writ, were read.

Then the High-sheriff was called in, and delivered in the Receipt which was given him upon the Delivery of the Precept.

And the ſaid Receipt was read, and the High Sheriff examined, and then he withdrew.

Afterwards the Under-sheriff was called in and examined; and then he withdrew.

Then *John Jones*, one of the Conſtables of *Minehead*, was called in and examined, and he produced two Precepts with Receipts endorsed thereupon, and the two Indentures of Return, which were read, and then he withdrew.

Alſo Mr. *Blake* of *Minehead* was called in and examined, and then he withdrew.

And a Motion being made, and the Question being put, that the Merits of the Election, and Return for the Borough of *Minehead*, in the County of *Somerſet*,



*Somerset*, be referred to the Committee of Privileges and Elections;

It passed in the Negative.

2. *Resolved*, That the Indenture signed by the Burgesses of *Minehead*, in Return to the Sheriff of the County of *Somerset*'s Precepts for electing Burgesses to serve in this present Parliament for the said Borough, not being signed by *John Jones*, one of the said Burgesses to whom the said Sheriff caused his Precept to be delivered, is an undue and insufficient Return.

3. *Resolved*, That the Indenture signed by the said *John Jones*, and other Burgesses of the said Borough of *Minehead*, and which was tendered to the said Sheriff, is a due and sufficient Return.

4. *Ordered*, That the Clerk of the Crown do take off from the Writ, the Indenture signed by the Burgesses of the Borough of *Minehead*, in the County of *Somerset*, which is not signed by *John Jones*, one of the said Burgesses, to whom the Sheriff caused his Precept to be delivered.

5. *Ordered*, That the Sheriff of the County of *Somerset*, do receive and annex to the Writ the Indenture signed by *John Jones*, and others the Burgesses of the said Borough of *Minehead*.

6. *Ordered*, That *Samuel Edwyn*, Esq; and *Thomas Gage*, Esq; have liberty to Petition this House in relation to the Election for the said Borough of *Minehead*, within fourteen Days next, if they think fit.

7. *Jovis, 13 die Junii, 1717.*

*Resolved*, That the Constables of *Minehead* are the proper Officers to whom the Precept for electing Burgesses to serve in Parliament for the Borough of *Minehead*, in the County of *Somerset*, ought



ought to be delivered, and to whom the Execution of such Precept doth belong.

8. *Luna, 24 die Februarii, 1717.*

*Resolved*, That the Right of Election of Burgesſes to ſerve in Parliament for the Borough of *Minehead*, in the County of *Somerſet*, is in the Pariſhioners of *Minehead* and *Dunſter*, being Houſe-keepers in the Borough of *Minehead*, and not receiving Alms.

*Luna, 8 die Januarii, 1721.*

9. A Petition of *John Thomas* and *John Floyd*, Conſtables of the Borough of *Minehead*, in the County of *Somerſet*, was preſented to the Houſe and read, ſetting forth, that they are the proper Officers to whom the Precept for electing Burgeſſes to ſerve in Parliament for the ſaid Borough ought to be delivered, and to whom the Execution of ſuch Precept doth belong; but that at the late Election of a Burgeſs to ſerve in Parliament for the ſaid Borough, the High-ſheriff cauſed the Precept to be delivered to *John Viccary* and *Joſeph Sherry*, and hath accepted a Return from them, and tranſmitted the ſame to the Clerk of the Crown, in defiance of the Reſolution of this Houſe of the thirteenth of *June*, One thouſand ſeven hundred and ſeventeen; and did reſuſe to accept a Return from the Petitioners, though tendered to him by one of the Petitioners in Perſon; and praying the Houſe to take the Premiſſes into Conſideration, and give ſuch Relief as they ſhall think proper.

The Journal of the Houſe of the ſaid thirteenth Day of *June*, One thouſand ſeven hundred and ſeventeen, relating to the Right of returning Mem-  
bers.

bers to serve in Parliament for the said Borough, was read.

*Ordered*, That the Clerk of the Crown do attend this House to-morrow Morning, with the Return of a Burgeſſs to ſerve in Parliament for the Borough of *Minehead*, in the County of *Somerſet*, in the Room of *James Milner*, Eſq; deceased.

10. The Houſe being informed, that *John Thomas* and *John Floyde* (Petitioners) were attending at the Door with the Return by them tendered to the High-ſheriff of the County of *Somerſet*,

*Ordered*, That *John Thomas* and *John Floyde* (Conſtables of the Borough of *Minehead*, in the County of *Somerſet*) do attend this Houſe to-morrow Morning, with the Return which was by them tendered to the High-ſheriff of the County of *Somerſet*.

11. *Martis, 9 die Januarii, 1721.*

The Clerk of the Crown attending (according to Order) with the Return of a Burgeſſs to ſerve in this preſent Parliament for the Borough of *Minehead*, in the County of *Somerſet*, in the Room of *James Milner*, Eſq; deceased, the ſaid Return was read, which was ſigned by ſeveral of the Burgeſſes of the ſaid Borough; and alſo the Precept of the Sheriff directed to the Burgeſſes, and Electors of the ſaid Borough of *Minehead* was read; but there was not any Indorſement on the Back of the ſaid Precept.

And *John Thomas* and *John Floyde*, (Conſtables of the ſaid Borough) were called in and examined, and then they withdrew.

And a Witneſs was examined, who delivered in the Court-Rolls of the Manor and Borough of *Minehead*, at a Court held *October* the nineteenth, One thouſand ſeven hundred and twenty-one, where  
the

the Constables of the said Borough were appointed, and so much of the said Rolls as related to the appointing of Constables was read.

And then *John Thomas* and *John Floyde*, (Constables of the said Borough) were called in, and at the Bar delivered in the Indenture of Return, which was by them tendered to the High-sheriff of the County of *Somerset*, after the late Election of a Burgess to serve in this present Parliament for the said Borough. And then they withdrew.

And the said Indenture was read.

And the Resolution of the House of the thirteenth of *June*, One thousand seven hundred and seventeen, by which it was resolved, that the Constables of *Minehead* are the proper Officers to whom the Precept for electing Burgesses to serve in Parliament for the said Borough ought to be delivered, and to whom the Execution of such Precept doth belong, was read.

*Ordered*, That the Clerk of the Crown do take off from the File the Indenture signed by *John Viccary*, and *Joseph Sherry*, and other Burgesses of the Borough of *Minehead*, in the County of *Somerset*, the same not being signed by the Constables of the said Borough.

12. *Ordered*, That the Clerk of the Crown do receive and annex to the Writ, for the electing of a Burgess for the said Borough, the Indenture delivered into this House by the Constables of the said Borough, which was signed by them, and tendered to the High-sheriff of the County of *Somerset*.

13. *Resolved*, That *John Viccary* and *Joseph Sherry*, having presumed to act as the Returning Officer at the late Election of a Burgess to serve in Parliament for the Borough of *Minehead*, in the County of *Somerset*, in defiance of the Resolution  
of



this House, are guilty of a high Crime and Misdemeanor.

14. They were ordered into Custody; and the High-sheriff, and Under-sheriff of the County were ordered to attend.

*Jovis, 11 die Januarii, 1721.*

15. *Resolved*, That *John Fox* being employed to carry the Writ for the late Election of a Burgess to serve in Parliament for the Borough of *Minehead*, to the High-sheriff of the County of *Somerset*, has been guilty of a Breach of Trust in delivering the same to a Candidate.

16. *Ordered*, That the said *John Fox* be, for the said Offence, taken into the Custody of the Serjeant at Arms attending this House.

*Jovis, 18 die Januarii, 1721.*

17. A Motion being made; &c. that *John Wills*, Esq; is guilty of a Crime, in having caused the Writ for the late Election of a Burgess to serve in this present Parliament, for the Borough of *Minehead*, in the County of *Somerset*, to be delivered to a Candidate;

It passed in the Negative.

18. A Motion being made, and the Question being put, that Sir *Richard Lane*, Knight, being a Candidate at the late Election of a Burgess to serve in this present Parliament, for the Borough of *Minehead*, in the County of *Somerset*, is guilty of a Crime in receiving and detaining the Writ directed to the Sheriff for the said Election;

It passed in the Negative.



**Mitchell.**

*Jovis, 12 die Decembris, 1689.*

1. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the said Borough, (*Mitchell in Com. Cornub.*) is in the Lords of the Borough, who are liable to be chosen Port-reeves thereof, and in the Householders of the same, not receiving Alms.

2. *Mercurii, 12 die Decembris, 1690.*

The same Resolution agreed to by both Parties.

3. *Jovis, 20 die Martii, 1700.*

*Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Mitchell*, in the County of *Cornwall*, is in the Port-reeves and Lords of the Manor, who are capable of being Port-reeves; and the Inhabitants of the said Borough paying Scot and Lot.

**Monmouth.** See *W A L E S.* P. 92.

1. *Veneris, 26 die Novembris, 1680.*

*Resolved*, That the Right of Election of a Burgess to serve in Parliament for the Borough of *Monmouth*, doth not belong to the Burgeses, Inhabitants of the Borough of *Monmouth* only.

2. *Resolved*, That the Burgeses Inhabitants of the Boroughs of *Newport* and *Uske*, in the County of *Monmouth*, have a Right by vote in the Election of a Burgess to serve in Parliament for the said Borough of *Monmouth*.

3. *Sabbati, 11 die Junii, 1715.*

The House proceeded to the hearing the Matter of the Petition of *Andrews Windsor*, Esq; touching the Election and Return for the Borough of *Monmouth*.

The Counsel for the Petitioner insisting to proceed upon the Merits of the Return in the first Place, which the Counsel for the sitting Member opposing, and insisting that the Merits of the Election ought to be proceeded on at the same time, &c.

*Resolved*, That the Counsel for the Petitioner be directed to proceed upon the Merits of the Election, as well as upon the Merits of the Return for the Borough of *Monmouth*.

4. *Martis, 14 die Junii, 1715.*

The Clerk of the Crown attending with the Return for the Borough of *Monmouth*, the same was read, and appeared to be made by the Mayor of *Newport*, and several Burgesses of *Monmouth*, *Newport* and *Uske*, without the Precept from the Sheriff of the County of *Monmouth* being annexed thereto.

*Ordered*, That the Clerk of the Crown do take the said Return off the File.

And he took the same off accordingly.

And the House being acquainted that the Mayor of *Monmouth* was in Town with the Return for the said Borough annexed to the Precept to him directed;

*Ordered*, That the Mayor of the Borough of *Monmouth*, do forthwith deliver to the Clerk of the Crown the Return (with the Precept annexed) of a Burgess to serve in this present Parliament for the said Borough; and that the Clerk of the Crown do annex the same to the Writ returned by the Sheriff of the County of *Monmouth*.

Montgomery.

( 195 )

## Montgomery.

1. *Martis, 1 die Aprilis, 1679.*

*Double Return for the Borough of Montgomery.*

One Indenture between the Sheriff of the County of one Part, and — *Whittingham* and *Roger Jones*, Bailiffs, and many Burgesſes of the other Part, wherein Mr. *Matthew Price* is returned. Signed by both Bailiffs, and many Burgesſes, and a large Seal against the Bailiffs Names, and a Seal to each of the Burgesſes Names.

Another between the Sheriffs of one Part, and many Burgesſes of the Borough of *Montgomery*, *Pool*, and *Kanvilling* of the other Part, whereby Mr. *Edward Lloyd* is returned. Signed by many Burgesſes, neither of the Bailiffs Hands, nor any Seal at all.

*Resolved*, That the Indenture wherein *Matthew Price*, Esq; is returned to serve in this Parliament for the Borough of *Montgomery*, is well and duly returned; and by the proper Officers; and that thereupon he ought to sit in this present Parliament, as well returned for the said Borough of *Montgomery*.

2. *Martis, 16 die Aprilis, 1728.*

*Resolved*, That the Right of Election of Burgesſes to serve in Parliament for the Shire Town of *Montgomery*, is in the Burgesſes of the said Shire-Town only.

## Morpeth.

1. *Lunæ, 9 die Martii, 1694.*

*Resolved*, That the Right of electing Burgesſes to serve in Parliament, for the Borough of *Morpeth*,

(*in Com. Northumberland*) is only in the Bailiffs and Free Burgesses of the said Borough.

### Newark.

*Jovis, 11 die Januarii, 1699.*

*Resolved*, That the Mayor, Aldermen, and all the Inhabitants within the Borough of *Newark upon Trent*, (*in Com. Nottingham*) who pay, or ought to pay Scot and Lot within the said Borough, have a Right to vote at the Election of Members to serve in Parliament for the said Borough.

### Newtowne.

*1. Martis, 22 die Aprilis, 1729.*

*Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Newtowne* in the Isle of *Wight*, in the County of *Southampton*, is in the Mayor and Burgesses of the said Borough, having Borough-Lands within the said Borough.

### North Allerton.

*Martis, 30 die Aprilis, 1745.*

*Ordered*, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament, for the Borough of *North Allerton*, in the County of *York*, in the Room of *William Smelt, Esq;* who, since his Election for the said Borough, hath accepted the Office of Receiver of his Majesty's casual Revenue in the Island of *Barbadoes*.

### Northampton.



Northampton.

26 die Aprilis, 16 Ch. 2.

1. *Resolved*, That the Inhabitants of the Town of *Northampton*, being Houſholders, and not receiving Alms; are the proper Electors for that Town; and that the ſharing in the charitable Gift appointed to be diſtributed at *Chriſtmas*, is a taking of Alms.

*Luncæ*, 11 die Novembris, 1678.

2. It appearing to the Houſe, that the Precept from the Sheriff was directed to the Mayor and Juſtices for the Borough of *Northampton*, and that the Indenture annexed to the Writ, whereby Sir *William Temple* is returned for the ſaid Borough, is not ſigned by the Mayor, nor the Seal of the Corporation fixed thereto. And that the Indenture whereby *Ralph Montague*, Eſq; is returned, is ſigned by the Mayor, and the Seal of the Corporation fixed thereto, and that the ſame is annexed to the Precept of the Sheriff.

*Resolved*, *Nemine contradicente*, That the Indenture annexed to the Writ, whereby Sir *Richard Temple* is returned to ſerve as a Burgeſſ for the ſaid Borough of *Northampton*, is not a ſufficient Return.

3. *Resolved*, *Nemine contradicente*, That the Indenture ſigned by the Mayor of *Northampton*, and ſealed with the common Seal of the Corporation, and which is annexed to the Sheriff's Precept, whereby *Ralph Montague*, Eſq; is returned to ſerve for the ſaid Borough, is a due Return, and ought to be annexed to the Writ.

And the Sheriff was ordered to annex the ſame accordingly; and

Was ordered into Cuſtody of the Serjeant of Arms.

4. *Veneris, 21 die Martii, 1734.*

The House (according to Order) proceeded to the hearing of the Matter of the Petition of *Edward Montague, Esq;* complaining of an undue Election and Return for the Town and Borough of *Northampton* in the County of *Northampton*.

And the last Determination of the House concerning the Right of electing Burgesses to serve in Parliament for the said Town, made the twenty-sixth Day of *April*, in the sixteenth Year of the Reign of King *Charles* the Second was read; whereby it was Resolved, That the Inhabitants of the Town of *Northampton*, being Housholders, and not receiving Alms, are the proper Electors of Burgesses for that Town; and that the Sharing in the charitable Gift appointed to be distributed at *Christmas* is a taking of Alms.

5. And the Counsel for the Petitioner was heard, and insisting that the Freemen of the said Town having usually voted at former Elections, submitted to the House, whether the said Freemen are excluded by the said Resolution?

And the Counsel for the sitting Member was also heard, and insisting that the said Resolution having declared the Inhabitants of the said Town, being Housholders and not receiving Alms, to be the proper Electors of Burgesses to serve in Parliament for that Town, submitted it to the House whether the Right of Election is not in them only?

Then the Counsel for the Petitioner acquainted the House, That if it was their Opinion that the Right of electing Burgesses to serve in Parliament for the said Town, was by the said Resolution confined to the Inhabitants thereof being Housholders, and not receiving Alms, he was not prepared to maintain a Majority of Votes for the Petitioner,  
and

and would in that Case give the House no further Trouble.

*Resolved*, That the Honourable *George Compton*, Esq; is duly elected a Burgess to serve in this present Parliament for the Town of *Northampton*.

### **Norwich.**

1. *Jovis*, 12 die *Martii*, 1701.

*Resolved*, That the Right of electing Citizens to serve in Parliament for the City of *Norwich*, is in the Freeholders, and such Freemen only of the said City, as are entered in the Books, and do not receive Alms or Charity.

2. *Resolved*, That such Persons as had a Right to their Freedom in the City of *Norwich*, before the Test of the Writ, and took out their Freedom after the said Test, not having demanded the same before the said Test, had not a Right to vote in the last Election of Citizens to serve in this present Parliament for the said City.

3. *Jovis*, 6 die *Decembris*, 1705.

*Resolved*, That *William Blyth*, Esq; late Mayor of the City of *Norwich*, by printing and publishing a pretended *By-law* made in the Year One thousand six hundred and forty, contrary to *Magna-Charta*, in order to terrify the Electors of the said City from free and impartial voting in the late Election of Members to serve in Parliament for the said City, is guilty of an illegal and arbitrary Proceeding.

4. *Ordered*, That the said *William Blyth* be, for his said Offence, taken into the Custody of the Serjeant at Arms attending this House.



**Oakhampton.**

1. *Sabbati, 24 die Februarii, 1710.*

*Resolved*, That the Right of electing Members to serve in Parliament for the Borough of *Oakhampton*, in the County of *Devon*, is in the Freeholders and Freemen, being made Free according to the Charter and By-Laws of the said Borough.

**Oaths,**

See BRIBERY, LONDON, QUAKERS, SCOTLAND.

1. The Oaths which may be required to be taken at Elections are either to the Competency of the Fortune of the Voter, or of the Candidate; or to their Loyalty; or against Bribery in the Voter, or Returning Officer: The Oaths for this last Head are to be found under Title *Bribery*; the rest are as follow, except for *London* and *Scotland*, which see.

*Jovis, 16 die Decembris, 1708.*

2. *Resolved*, That Mr. *John Huggins*, High Bailiff of *Westminster*, at the late Election of Citizens to serve in this present Parliament for the City of *Westminster*, has, in Defiance of the Law, arbitrarily and illegally refused to tender the Oath of Abjuration when required so to do, and thereby is guilty of a high Crime and Misdemeanour.

3. *Ordered*, That the said Mr. *Huggins* for his said Offence be committed to her Majesty's Prison of *Newgate*, and that Mr. *Speaker* do issue his Warrants for that Purpose.



## Offices and Employments.

### 1. *Veneris, 10 die Februarii, 1698.*

*Resolved*, That *James Isaackson*, having since his being elected to serve in this Parliament, been concerned and acted as a Commissioner in managing the Duties upon Vellum, Paper and Parchment, contrary to the Act made in the fifth and sixth Years of his Majesty's Reign, for granting several Duties upon Salt, Beer, Ale, and other Liquors, be expelled this House.

And

### 2. *Lunæ, 13 die Februarii, 1698.*

The like Vote upon *Henry Cornish*, Esq; a Commissioner for the same Duties.

And

### 3. *Martis, 14 die Februarii, 1698.*

The like Vote upon Sir *Henry Furnese*, a Collector and Manager upon the Act 9 and 10 *W. 3.* for raising a Sum not exceeding two Millions, &c. contrary to the Act 5 and 6 *W. 3.*

### 4. The same Day,

The like Vote upon *Samuel Atkinson*, Esq; a Commissioner, upon 9 and 10 *W. 3.* for licensing Hawkers and Pedlars, &c. contrary to the Act 5 and 6 *W. 3.*

### 5. *Lunæ, 20 die Februarii, 1698.*

The like Vote upon *William Woollaston*, Esq; Receiver of the Duties upon Houses, as also upon Births, &c. contrary to the Act 5 and 6 *W. 3.*

*The like Votes have been on many others; but the Style has since been softened, as appears by many of the Votes which follow under this Head.*

### 6. *Mercurii,*

6. *Mercurii, 9 die Februarii, 1708.*

The House being acquainted, that Sir *Richard Allen*, lately adjudged to be duly elected a Burgess to serve in this present Parliament for the Borough of *Dunwich*, desires the Opinion of the House, before he takes his Place, upon the Clause in the Act of Parliament of the twelfth and thirteenth Years of King *William*, intituled, *An Act for granting an Aid to his Majesty, for defraying the Expence of his Navy, Guards and Garrisons for one Year, and for other necessary Occasions*, which relates to the Officers of the Customs, in regard he was by Letters Patents granted by King *Charles* the Second, dated the thirty-first Day of *May*, in the thirtieth Year of his Reign made (by the Name of *Richard Anguish*) Collector of the great and petty Customs, in the Port of *Yarmouth*, for his Life; but surrendered such Office the seventh Day of *February* instant, which was acknowledged and enrolled the next Day.

And a Debate arising in the House thereupon, and a Motion being made, and the Question being put, that the Debate be adjourned,

It passed in the Negative.

Then the said Letters Patents and Surrender were produced, and the Surrender read.

*Resolved*, That the said Sir *Richard Allen*, be admitted to take his Seat in this House.

7. *Sabbati, 23 die Decembris, 1710.*

*Ordered*, &c. a new Writ for a Burgess in the Room of *James Worsley*, Esq; who since his being elected, hath been by her Majesty appointed Woodward of the New-Forest.

8. *Lunæ;*

8. *Lunæ, 5 die Februarii, 1710.*

Ordered, &c. a new Election in the Room of Sir *James Wisheart*, who since his Election has been appointed by her Majesty, to be one of the Commissioners for executing the Office of Lord High Admiral of Great Britain.

9. *Lunæ, 12 die Februarii, 1710:*

*In the Case of Sir William Gifford, Governor of Greenwich-Hospital, it did not incapacitate him to sit in Parliament pursuant to Stat. 4. Ann. because it appeared on inspecting the Constitution of the said Hospital that it was before the said Statute.*

10. *Sabbati, 17 die Februarii, 1710.*

A new Election ordered in the Room of the Earl of *Hertford*, who since his Election had been appointed Governor of *Tinmouth-Fort*.

11. *Martis, 10 die Aprilis, 1711.*

The House proceeded to take into Consideration the Charters of Sir *John Anstruther*, relating to his heritable Offices in *Scotland*, descended to him from his Father, and the Charter of the twenty-ninth of *April*, One thousand seven hundred and four, was read, constituting the said Sir *John Anstruther's* Father, and his Heirs Males to be hereditary and perpetual Inspectors and Searchers of all prohibited and uncustomed Goods, and Keepers of the *Cocquets* in the Ports of *Ely* and *Anstruther*, in the Kingdom of *Scotland*: And also several Clauses in an Act of 12 and 13 *William the Third*, entitled, *An Act for granting an Aid to his Majesty, for defraying the Expence of his Navy, Guards and Garrisons for one Year, and for other necessary Occasions*, was read,

And



And also a Clause in the Act of the sixth Year of his Majesty's Reign, Chap. 7. entitled, *An Act for the Security of her Majesty's Person and Government, and of the Succession to the Crown of Great-Britain in the Protestant Line*, was read.

*Resolved*, That the Hereditary Offices of an Inspector and Searcher of all prohibited and uncus-tomed Goods, and Keeper of the Cocquets, in the Ports of *Ely* and *Anstruther* in *North-Britain*, are within the meaning of the Act of Parliament of the twelfth and thirteenth Years of his late Majesty King *William*, whereby any Member of the House of Commons, having an Office, Place, or Employment, concerning the farming, managing, or collecting the Customs, is absolutely incapable of being a Member of this House.

12. *Resolved*, That Sir *John Anstruther* having, by the Death of his Father, the hereditary Offices of an Inspector and Searcher of all prohibited and uncustomed Goods, and Keeper of the Cocquets, in the Ports of *Ely* and *Anstruther*, in *North-Britain*, descended to him, but not having taken, enjoyed, or executed the same, is capable of being a Member of this House,

13. *Lunæ, 28 die Martii, 1715.*

The House being informed that *John Richmond Webb*, Esq; desires the Opinion of this House, in relation to his taking his Place in the House, in respect of his being constituted Governor of the *Isle of Wight* by Letters Patents which passed the Great Seal since his Election, but issued pursuant to a Warrant granted before the Election.

*Ordered*, That the said Warrant and Letters Patents be laid before this House.

14. *Jovis,*



14. *Jovis, 7 die Julii, 1715.*

The House being acquainted that *George Carpenter, Esq;* since his Election for the Borough of *Whitchurch*, is appointed his Majesty's Envoy to the Court of *Vienna*, and that he desires to know the Sense of the House, whether he is included in the Disability of the Act of the sixth Year of her late Majesty, and the Clause in the said Act relating thereto was read;

And the Question being put, that *George Carpenter, Esq;* being appointed his Majesty's Envoy at the Court of *Vienna* since his Election for the Borough of *Whitchurch*, in the County of *Southampton*, his Election for the said Borough is thereby become void.

It passed in the Negative.

15. *Sabbati, 24 die Martii, 1715.*

Ordered, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the Borough of *Andover* in the County of *Southampton*, in the room of the honourable *James Brudenell*, who (since his Election for the said Borough) hath accepted the Office of Master of the Jewel-Office to his Majesty.

16. *Martis, 28 die Martii, 1716.*

The House being informed that the Letters Patents by which the Office of *Garter*, principal King of Arms, after the Death of Sir *Henry St. George* was granted by her late Majesty to *John Anstis, Esq;* have been delivered to the Clerk of this House, and are now on the Table.

Ordered, That the said Letters-Patents be now read.

The

The said Letters-Patents were read.

And a Motion being made, that Mr. *Speaker* do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing a Burgess to serve in this present Parliament for the Borough of *Dunheved*, alias *Launceston*, in the County of *Cornwall*, in the Room of *John Anstis*, Esq; who since his Election for the said Borough hath accepted the Office of *Garter* principal King of Arms, granted to him by her late Majesty after the Death of Sir *Henry St. George*, who is now dead;

And a Debate arising in the House thereupon,

*Ordered*, That the Debate be adjourned until *Friday* seven-night.

*Resolved*, That the House do adjourn till *Monday* seven-night.

*The House being adjourned to a longer Day, than the Debate, there was nothing done in it this Session.*  
See below, *Seet. 30.*

17. *Veneris, 15 die Junii, 1716.*

*Ordered*, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the Borough of *Eye* in the County of *Suffolk*, in the room of *Edward Hopkins*, Esq; who since his Election for the said Borough, hath accepted the Office of one of the Commissioners of his Majesty's Revenue in *Ireland*.

18. *Martis, 26 die Junii, 1716.*

The like for the Borough of *Old Sarum*, in the County of *Wilts*, in the room of *Thomas Pitt*, Esq; who since his Election for the said Borough, hath accepted of being Governor of the Plantation of *Jamaica*.

19. *Sabbati,*

19. *Sabbati, 30 die Martii, 1717.*

The like for the Borough of *Woodstock*, in the County of *Oxon*, in the room of *Sir Thomas Wheate*, B<sup>art</sup>. who, since his Election for the said Borough, hath accepted the Office of chief Keeper of the Ordnance, Munition, and Stores belonging to the Office of Ordnance.

20. *Martis, 18 die Junii, 1717.*

The like for the Borough of *Cockermouth*, in the County of *Cumberland*, in the room of *Nicholas Leckmere*, Esq; who, since his Election for the said Borough, hath accepted of the Office of Chancellor of the Dutchy of *Lancaster* for Life.

21. *Lunæ, 25 die Novembris, 1717.*

The like for the Borough of *Bereafston*, in the County of *Devon*, in the Room of *Horatio Walpole*, Esq; who, since his Election for the said Borough, hath accepted the Office of Surveyor and Auditor-General of all his Majesty's Revenues arising in *America*.

22. *Lunæ, 2 die Decembris, 1717.*

The like for the Borough of *Ipswich*, in the County of *Suffolk*, in the Room of *William Churchbill*, Esq; who, since his Election for the said Borough, hath accepted the Office of Bookseller, Bookbinder, and Stationer to his Majesty.

23. *Sabbati, 7 die Decembris, 1717.*

The like for the Borough of *Dunbeved*, alias *Launceston*, in the County of *Cornwall*, in the Room of *John Anstis*, Esq; who, since his Election  
for

for the said Borough, hath accepted the Office of Garter Principal King at Arms.

24. *Jovis, 20 die Martii, 1717.*

The like for the Port of *Dover*, in the Room of *Matthew Aylmer*, Esq; who, since his Election for the said Port, hath accepted the Office of Master of *Greenwich Hospital* for his Life.

25. *Lunæ, 3 die Aprilis, 1721.*

The like for the City of *Carlisle*, in the County of *Cumberland*, in the Room of *Thomas Stanwix*, Esq; who, since his Election for the said City, hath accepted the Office of Governor of the Town of *Kingston upon Hull*.

26. *Martis, 9 die Martii, 1727.*

A Motion being made, and the Question being proposed, That *Edmund Miller*, Serjeant at Law, is duly elected a Burgess to serve in this present Parliament for the Borough of *Petersfield*, in the County of *Southampton*.

The nineteenth Article of the Act, *Quinto Annæ*, for an Union of the two Kingdoms of *England* and *Scotland*, was read; and the Act, *Sexto Annæ*, for settling and establishing a Court of *Exchequer* in the North Part of *Great-Britain* called *Scotland* was also read;

And a Debate, &c.

*Resolved*, That *Edmund Miller*, Serjeant at Law, is duly elected a Burgess to serve in this present Parliament for the Borough of *Petersfield*, in the County of *Southampton*.

27. *Sabbatii, 9 die Junii, 1733.*

The House being informed, that Lieutenant-General *Wade* (a Member of this House) hath, since



Since his Election to serve in this present Parliament for the City of *Bath*, in the County of *Somerset*, accepted of the Office of Governor of *Fort-William*, *Fort-Augustus*, and *Fort-George*, in that Part of *Great-Britain* called *Scotland*; and the Opinion of the House being desired, whether by the Acceptance of the said Office his Seat in Parliament became void;

And the twenty-ninth Section of the Act made in the fourth Year of the Reign of Queen *Anne*, intituled, *An Act for the better Security of her Majesty's Person and Government, and of the Succession to the Crown of England in the Protestant Line*, being read;

The Journal of the House of the twenty-eighth Day of *February*, in the seventh Year of the Reign of Queen *Anne*, in relation to the making out a new Writ for the electing a Burgess to serve in Parliament for the Borough of *Arundel*, in the County of *Sussex*.

And the Journal of the House of the seventeenth Day of *February*, in the ninth Year of the Reign of Queen *Anne*, in relation to the making out a new Writ for the electing a Knight to serve in Parliament for the County of *Northumberland*.

And the Journal of the House of the first Day of *February*, in the tenth Year of the Reign of Queen *Anne*, in relation to the making out a new Writ for the electing a Burgess to serve in Parliament for the Borough of *Camelford*, in the County of *Cornwall*:

And a Motion being made, and the Question being put, That the accepting a Commission of Governor, or Lieutenant-Governor of any Fort, Citadel or Garrison, upon the military Establishment of his Majesty's Guards and Garrisons in *Great-Britain*, by any Member of this House being

an Officer in the Army, does vacate the Seat of such Member in this House;

It passed in the Negative.

28. *Mercurii, 13 die Junii, 1733.*

*Ordered*, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing a Burgess to serve in this present Parliament for the Borough of *Andover*, in the County of *Southampton*, in the room of the honourable *James Brudenell*, Esq; who since his Election for the said Borough hath accepted the Office of one of the Grooms of his Majesty's Bed-chamber.

29. *Martis, 11 die Februarii, 1734.*

A new Writ ordered for the Borough of *Eastlow*, in the Room of Mr. *Trelawney*, who, since his Election for the said Borough, hath continued to enjoy the Office of one of the Commissioners of his Majesty's Customs.

30. *Jovis, 3 die Aprilis, 1735.*

The like for the Port of *Hastings*, in the Room of Sir *William Ashburnham*, Bart. who, since his Election, accepted the Office of Receiver of Compositions in his Majesty's Office of Alienations.

31. *Veneris, 9 die Maii, 1735.*

The like for the Borough of *Honiton*, in the Room of Sir *William Yonge*, Bart. &c. who, since his Election, accepted the Office of his Majesty's Secretary at War.

32. *Jovis, 15 die Maii, 1735.*

The like for the Borough of *Reading*, in the Room of *Richard Potenger*, Esq; who, since his Election,

Election, accepted the Office of one of his Majesty's Justices of the Counties of *Chester* and *Flint*, and of *Denbigh* and *Montgomery*.

33. The like for the Boroughs of *Horsham* and *Wendover*, in the Room of the honourable *Henry Ingram*, Esq; and of *John Hampden*, Esq; who, since their Elections, accepted severally the Offices of Commissaries of his Majesty's Stores and Provisions at *Minorca* and *Gibraltar*.

34. *Lunæ*, 16 die *Februaryi*, 1735.

The like for *Dorchester*, in the Room of *John Brown*, Esq; who, since his Election, accepted the Office of one of his Majesty's Counsel learned in the Law.

35. *Lunæ*, 29 die *Martii*, 1736.

The like for *Hyeth*, in the Room of *Hercules Baker*, Esq; who, since his Election for the said Town and Port, accepted the Office of Treasurer of the Royal Hospital at *Greenwich*.

36. *Mercurii*, 19 die *Maii*, 1736.

The like for the Borough of *Droitwich*, in the Room of *Thomas Winnington*, Esq; who, since his Election for the said Borough, accepted the Office of one of the Commissioners for executing the Office of Treasurer of his Majesty's Exchequer.

37. *Martis*, 1 die *Februarii*, 1736.

The like for the Borough of *Tiverton*, in the Room of *Dudley Ryder*, Esq; who, since his Election for the said Borough, accepted the Office of Attorney-General to his Majesty.

38. *Lunæ, 28 die Februarii, 1736.*

The like for the Borough of *Weymouth* and *Melcombe Regis*, in the Room of *Edward Tucker*, Esq; who, since his Election for the said Borough, accepted the Office of Supervisor of his Majesty's Quarries in the Island of *Portland*, in the County of *Dorset*.

39. *Martis, 22 die Martii, 1736.*

The like for the City of *Coventry*, in the Room of *John Bird*, Esq; who, since his Election for the said City, accepted the Office of one of the Commissioners for managing the Duties arising by Stamps.

40. *Veneris, 17 die Junii, 1737.*

The like for the Borough of *Hindon*, in the Room of *Henry Fox*, Esq; who, since his Election for the said Borough, accepted the Office of Surveyor-General of his Majesty's Works.

41. *Lunæ, 20 die Junii, 1737.*

The like severally for the Boroughs of *Knaresborough*, *Malmesbury*, and *Wilton*, in the Rooms of the honourable *Richard Arundall*, Esq; *Giles Earle*, Esq; and the honourable *Robert Jenkins*, Esq; who, since their several Elections for the said Boroughs, respectively accepted the Offices of Master and Worker of his Majesty's Mint, of one of the Commissioners for executing the Office of Treasurer of his Majesty's Exchequer, and of one of the Commissioners for Trade and Plantations.

42. And the like for the Borough of *Whitchurch*, in the Room of Lieutenant-Colonel *John Mordaunt*, who, since his Election for the said Borough, accepted



accepted the Office of one of the Equerries to his Majesty. And,

43. The like for the County of *Northumberland*, in the Room of *Ralph Jenison*, Esq; who, since his Election for the said County, accepted the Office of Master of his Majesty's Buckhounds.

44. *Martis, 21 die Junii, 1737.*

The like for the District of Burghs of *Forres, Inverness, Nairn, and Fortross*, in the Room of *Duncan Forbes*, Esq; who, since his Election for the said District of Burghs, accepted the Office of Lord Presidend of the College of Justice in *Scotland*. And,

45. The like for the Shire of *Dumfries*, in the Room of *Charles Areskine*, Esq; who, since his Election for the said Shire, accepted the Office of his Majesty's Advocate for *Scotland*. And,

46. The like for the Borough of *Newport*, in the Room of the Right Honourable *Gustavus*, Lord Viscount *Boyne*, in the Kingdom of *Ireland*, who, since his Election for the said Borough, accepted the Office of one of the Commissioners of his Majesty's Revenue in *Ireland*. And,

47. The like for the Shire of *Edinburgh* in the Room of *Robert Dundas*, Esq; who, since his Election for the said Shire, accepted the Office of one of the Senators of the College of Justice in *Scotland*.

48. *Martis, 24 die Januarii, 1739.*

The like for the Borough of *Rippon*, in the Room of *William Aislaby*, Esq; who, since his Election for the said Borough, accepted the Office of one of the Auditors of the Imprests.

49. *Lunæ, 6 die Februarii, 1737.*

The like for the Borough of *Stamford*, in the Room of *William Noel*, Esq; who, since his Election for the said Borough, accepted the Office of one of his Majesty's Counsel learned in the Law.

50. *Martis, 14 die Februarii, 1737.*

The like for the Borough of *Dunwich*, in the Room of *Sir Orlando Bridgman*, Bart. who, since his Election for the said Borough, accepted the Office of Governor of his Majesty's Island of *Barbadoes*.

51. *Jovis, 2 die Martii, 1737.*

The like for the Borough of *New-Windsor*, in the Room of the Right Honourable *Vere Beauclerk*, Esq; (commonly called Lord *Vere Beauclerk*) who, since his Election for the said Borough, accepted the Office of one of the Commissioners for executing the Office of Lord High Admiral of *Great-Britain*.

52. *Martis, 9 die Maii, 1738.*

The like for the Town of *Kingston upon Hull*, in the Room of *George Crowle*, Esq; who, since his Election for the said Town, accepted the Office of one of the Commissioners of his Majesty's Navy.

53. *Martis, 16 die Maii, 1738.*

The like severally for the Town and Port of *Seaford*, and the Boroughs of *Bury St. Edmunds*, and *Clifton-Dartmouth-Hardness*, in the Room of *William Hay*, Esq; the honourable *Thomas Hervey*, Esq; and *Walter Cary*, Esq; who, since their Elections, respectively accepted the Offices of one of the Commissioners for Victualling his Majesty's Navy, of Surveyor

veyor of his Majesty's Gardens, and of one of the Clerks Comptrollers of his Majesty's Household.

54. *Mercurii, 17 die Maii, 1738.*

The like for the Borough of *Helston*, in the Room of *John Harris*, Esq; who, since his Election for the said Borough, accepted the Office of Pay-master of his Majesty's Board of Works.

55. *Jovis, 1 die Februarii, 1738.*

The like for the City of *Oxford*, in the Room of *Matthew Skinner*, Esq; who, since his Election for the said City, accepted the Office of Chief Justice of *Chester*.

56. *Martis, 22 die Maii, 1739.*

The like severally for the Boroughs of *Plymouth* and *New-Shoreham*, in the Rooms of the honourable *Robert Byng*, Esq; and *John Phillipson*, Esq; who, since their Elections, respectively accepted the Offices of Governor of his Majesty's Island of *Barbadoes*, and of one of the Commissioners of his Majesty's Navy.

57. *Martis, 4 die Decembris, 1739.*

The like for the County of *Monmouth*, in the Room of *Charles Hanbury Williams*, Esq; who, since his Election for the said County, accepted the Office of Pay-master of his Majesty's Marine Regiments.

58. *Mercurii, 20 die Februarii, 1739.*

— The Question being put, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgeſs to ſerve in this preſent Parliament for the Borough



of *Saltaſh*, in the County of *Cornwall*, in the Room of *Thomas Corbett*, Eſq; who hath accepted a Salary of two hundred Pounds *per Annum*, by his Maſteſty's Royal Sign Manual, dated the fourteenth of *Auguſt*, One thouſand ſeven hundred and thirty-nine, as Secretary to the Court of Affiſtants for Relief of poor Widows of Commiſſion and War-rant-Officers of the Royal Navy, eſtaſhliſhed by virtue of a Commiſſion under the Great Seal, bearing Date the thirtieth of *Auguſt*, One thouſand ſeven hundred and thirty-two.

It paſſed in the Negative.

N. B. *Before the putting of the foregoing Queſtion, the twenty-fifth and twenty-ninth Sections of Stat. 6 Ann. and Stat. 1 Geo. 1. were read.*

59. *Martis, 1 die Aprilis, 1740.*

A new Writ was ordered for *Brecon*, in the Room of the honourable *John Talbot*, Eſq; who, ſince his Election for the ſaid Town, accepted the Office of one of his Maſteſty's Juſtices of the Counties of *Cheſter* and *Flint*, and of *Denbigh* and *Montgomery*.

60. *Mercurii, 33 die Aprilis, 1740.*

The like for the Borough of *New-Windſor* in the Room of the Right Honourable *Sidney Beau-clerk*, Eſq; (commonly called Lord *Sidney Beau-clerk*) who, ſince his Election for the ſaid Borough, accepted the Office of Vice-Chamberlain of his Maſteſty's Houſehold.

**Orford.**

*Sabbati, 10 die Februarii, 1699.*

I. *Resolved*, That the Right of electing Bur-geſſes to ſerve in Parliament for the ſaid Borough,  
(*Orford*)



(*Orford in Com. Suffolk*) is in the Mayor, Portmen, capital Burgesses and Freemen of the said Borough.

*Sabbati, 29 die Januarii, 1708.*

2. *Resolved, Nemine contradicente,* That the Right of Election of Burgesses to serve in Parliament for the Borough of *Orford (in Com. Suffolk)* is in the Mayor, Portmen, capital Burgesses, and Freemen, not receiving Alms.

3. And a Book being produced on the Part of the sitting Members, as a Book of the Corporation, beginning in the Year One thousand six hundred and ninety-three, (called the white Book) to prove several Persons (who voted for them) to be Freemen, which Book being objected to by the Petitioner's Counsel, the Counsel and Witnesses withdrew, and were afterwards called in again; and Mr, *Speaker*, (by Direction of the House) acquainted them that the House were of opinion, that the said Book should be given in Evidence as to Freemen made after *August*, One thousand seven hundred and four.

4. And a Motion being made, and the Question being put, that the Counsel be admitted (by living Witnesses) to give Evidence as to Freemen entered in the white Book before *August*, One thousand seven hundred and forty.

It passed in the Negative.

*5. Jovis, 15 die Julii, 1742.*

*Ordered,* That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *Orford*, in the County of *Suffolk*, in the Room of the honourable *Henry Legge, Esq;* who, since his Election for  
the

the said Borough, hath accepted the Office of Surveyor-general of his Majesty's Woods, on the North and South Side of the River *Trent*.

### **Peebles.**

*Veneris, 11 die Maii, 1733.*

1. Mr. *Earle* (according to Order) reported, &c. the Election and Return for the County of *Peebles*, &c.

*Resolved*, That it is the Opinion of this Committee, that the Right of Election of a *Præses* and Clerk, is such Persons, as stand upon the Roll last made up by the Freeholders at the *Michaelmas* Head Court, or at the last Election of a Member to serve in Parliament.

*Here follow Four other Resolutions, who were duly elected Præses and Clerk, and who was duly returned, and duly elected Commissioner for the said Shire.*

The first Resolution of the Committee being read a second Time;

Part of an Act of the Parliament of *Scotland* made *September* seventeen, One thousand six hundred and eighty one, (intituled, *An Act concerning the Election of Commissioners for Shires*,) was read.

And the third Section of an Act made in the twelfth Year of the Reign of *Queen Anne* (intituled, *An Act for the better regulating the Elections of Members to serve in Parliament for that Part of Great-Britain called Scotland*) was also read.

Then the said Resolution was agreed to by the House.

### **Pembroke.**

1. *Sabbati, 23 die Februarii, 1711.*

*Resolved*, That the Mayor and Burgesses of the ancient Borough of *Wiston*, in the County of *Pembroke*

*broke*, have a Right to vote in the Election of a Member to serve in Parliament for the Borough of *Pembroke*.

### **Peterborough.**

1. *Martis, 9 die Aprilis, 1728.*

*Resolved*, That the Execution of the Precept for electing Citizens to serve in Parliament for the City of *Peterborough*, in the County of *Northampton*, and the making the Return thereof, are in the Bailiff of the said City appointed by the Dean and Chapter of the Cathedral Church of *Peterborough*.

*Lunæ, 13 die Maii, 1728.*

2. *Resolved*, That the Right of electing Citizens to serve in Parliament for the City of *Peterborough*, in the County of *Northampton*, is in the Inhabitants within the Precincts of the Minster there, being Householders not receiving Alms within the said City paying Scot and Lot.

### **Petersfield.**

1. *Martis, 9 die Maii, 1727.*

Mr. *Gibbon* (according to Order) reported from the Committee —

*Resolved*, That it is the Opinion of this Committee, that the Right of Election of Burgesses to serve in Parliament for the Borough of *Petersfield*, in the County of *Southampton*, is in the Freeholders of Lands or ancient Dwelling-houses or Shambles, or Dwelling-houses or Shambles, built upon ancient Foundations within the said Borough.

Agreed to by the House.

**Petition:**

## Petition.

1. *Jovis, 14 die Decembris, 1699.*

*Resolved*, That the Petition of several Inhabitants within the said Borough, (*St. Ives in Com. Cornub.*) presented to the House of Commons this Sessions of Parliament, touching the late Election for the said Borough, is not the same in Substance with the Petition from several Inhabitants of the said Borough, presented to the House of Commons the last Session of Parliament, relating to the said Election.

2. *Ordered*, That the Committee of, &c. do not proceed any further upon the Petition touching the said Election.

See the Vote of the next Day and of the nineteenth, concerning Sir *Thomas Stamp's* Petition for the Borough of *Reading*, and see seventeen *January*, One thousand six hundred and ninety-nine, thirty-one *January*, One thousand six hundred and ninety-nine, 6 *Martii*, One thousand six hundred and ninety-nine.

3. *Mercurii, 3 die Martii, 1713.*

A Petition of *Theophilus Ogletborpe*, Esq; was read, complaining of an undue Election and Return for the Borough of *Haslemere*, in the County of *Surry*; and the House being informed, that it is not believed the said Mr. *Ogletborpe* did or could sign the said Petition (as he ought to have done) he being abroad beyond the Seas; and it appearing to be delivered to the Clerk of this House the eighteenth of *September* last (soon after the Election for the said Borough) as the House was also informed by one Mr. *Orby*.

*Ordered*,



*Ordered*, That the said Petition do lie upon the Table.

4. *Ordered*, That the said Mr. Orby do attend this House to-morrow Morning.

5. *Jovis*, 4 *die Martii*, 1713.

The House being informed that Mr. Orby attended (according to Order) he was called in, and examined touching the Petition of Mr. Oglethorpe, relating to the Election for the Borough of *Hoflemere*, in the County of *Surry*; and he owned the Delivery of the said Petition to the Clerk of this House, declaring that he had the same from the Lady Oglethorpe, with her Desire to deliver it; but that he knew nothing of the Signing thereof; and the same not appearing to be signed by Mr. Oglethorpe,

*Resolved*, That the said Petition be rejected.

*Martis*, 9 *die Martii*, 1714.

6. The House being informed that the Petition of Colonel *John Erskine*, complaining of an undue Election and Return for the Burghs of *Stirling*, *Culrosse*, *Dumferling*, *Innerkeitbing*, and *Queen's-ferry*, is not signed by the Petitioner.

*Ordered*, That it be an Instruction to the Committee of Privileges and Elections, that before they proceed upon the said Petition, they do examine into the Manner of signing the same.

7. *Martis*, 6 *die Aprilis*, 1714.

Sir *Gilbert Dolben* (according to Order) reported from the Committee of Privileges and Elections, the Matter, as it appeared to them, touching the Manner of signing the Petition of *James Barry*, Earl of *Barrymore*, in the Kingdom of *Ireland*,  
com-

complaining of an undue Election for the Borough of *Wiggan*, in the County of *Lancaster*; which Report he read in his Place, and afterwards delivered in at the Table, where the same was read.

*Resolved*, That the Committee of Privileges and Elections, be discharged from proceeding upon the Petition of the Earl of *Barrymore*, complaining of an undue Election for the Borough of *Wiggan*, in the County of *Lancaster*, the said Petition not having been signed by the said Earl himself, but having been signed by the Order of the said Earl, and owned by him.

8. A Motion being made, and the Question being put, and the Earl of *Barrymore* be at liberty to present a new Petition signed by himself, and containing the same Allegations which were contained in the former Petition and no other;

It passed in the Negative.

9. *Jovis, 6 die Maii, 1714.*

*Ordered*, That the Committee of Privileges and Elections be discharged from proceeding on the said Petition (of Colonel John Erskine, for the Burghs of *Stirling*, &c.) the same not having been signed by the Petitioner himself.

*Sabbati, 18 die Junii, 1715.*

10. The Question being put, That *Simon Gough* and *John Moor*, having signed the Indenture of Return, by which *Charles Cornwall*, Esq; is returned a Burgess to serve in this present Parliament for the Borough of *Weobly*, in the County of *Hereford*, the House will proceed on the Petition of the said *Simon Gough* and *John Moor*, complaining of an undue Election of the said *Charles Cornwall*, Esq;

It passed in the Negative.

11. *Lunæ,*

11. *Lunæ, 4 die Martii, 1716.*

A Petition of divers of the Inhabitants of the Borough of *Leominster*, in the County of *Hereford*, was presented to the House and read, complaining of an undue Election for the said Borough.

And a Motion being made, and the Question being put, that the said Petition be referred to the Committee of Privileges and Elections, and that they do examine the Matter thereof, and report the same, with their Opinion thereupon to the House;

It passed in the Negative.

12. *Resolved*, That the said Petition be rejected.

13. *Sabbati, 6 die Aprilis, 1717.*

A Petition of several of the Inhabitants and Burgeses of the Borough of *Leominster*, in the County of *Hereford*, who have a Right of voting for electing Members to serve in Parliament for the said Borough, was presented to the House and read, complaining of an undue Election and Return for the said Borough.

*Ordered*, That the said Petition be referred to the Consideration of the Committee of Privileges and Elections, and that they do examine the Matter thereof, and report the same, with their Opinion thereupon, to the House.

14. *Martis, 23 die Octobris, 1722.*

Upon an undue Return for *Inverness*, &c. (See Title *Inverness*) it was

*Ordered*, That *Alexander Gordon of Ardoch*, Esq; be at liberty to petition this House, touching the Election for the District of Burghs of *Inverness*, *Nairn*, *Forres*, and *Fortrose*, within fourteen Days next, if he thinks fit.

15. *The*



15. *The like Orders were made on Thursday, the twenty-fifth of the same Month, concerning an undue Return for the District of Burghs of Inverbervy, Aberdeen, Montrose, Brichen, and Aberbrothick; the Borough of Inverbervy, being the presiding Borough.*

16. *And on the twenty-seventh of the same Month, the like Orders were made concerning an undue Return for the Burghs of Dysart, Burnt-Island, Kirkaldie, and Kinghorn; the Burgh of Dysart, being the presiding Burgh.*

17. *And on the same Day the like, concerning an undue Return for the District of Burghs of Kilrenny, Anstruther - Wester, Anstruther - Easter, Pittenweem, and Crail; Kilrenny being the presiding Burgh.*

18. *And on the same Day the like, concerning, &c. Forfar, Perth, Dundee, St. Andrews, and Coupar; Forfar being the presiding Burgh.*

19. *Mercurii, 21 die Novembris, 1722.*

The standing Order of the eighteenth Day of February, One thousand seven hundred and seven, was read, viz.

*Mercurii, 18 die Februarii, Anno 6 Annæ Reginae.*

Resolved, *That all Petitions upon every new Parliament relating to Elections and Returns be delivered to the Clerk of this House, and be laid by him upon the Table before the Speaker be chosen.*

Ordered, *That the said Order be discharged from being one of the standing Orders of this House.*

20. *Mercurii,*



20. *Mercurii*, 3 *die Martii*, 1729.

The Petition of the major Part of the Burgesſes of the ſaid Borough of *Beaumaris* (in *Com. Angleſey*) and alſo the Petition of the Burgesſes of the Borough of *Newburgh*, in the ſaid County of *Angleſey*, were read; and the Council were heard.

And it being objected that the ſaid Petition of the Burgesſes of the Borough of *Newburgh*, was ſigned by ſome Perſons who had not ſigned the former Petitions, preſented in this Parliament, and that the Names of ſome of the Petitioners were not written or Marks made by the Perſons themſelves, the Counſel were directed to withdraw.

And the Reſolution of the Houſe the fourteenth of *November*, One thouſand ſix hundred and eighty-nine (that all Petitions preſented to the Houſe ought to be ſigned by the Petitioners, with their own Hands, by their Names or Marks) was read; and

The Journal of the ſixth of *April*, One thouſand ſeven hundred and fourteen, (in the Caſe of the Petition, touching the Election for the Borough of *Wiggan*, in the County of *Lancaſter*) was read,

*Ordered*, That the Counſel be called in, and be directed by Mr. *Speaker*, to proceed only upon the Matter of the Petition of the major Part of the Burgesſes of the Borough of *Beaumaris*.

### Petition Vexatious.

1. *Veneris*, 21 *die Decembris*, 1695.

*Reſolved*, That Sir George Meggott, having preſented to this Houſe a groundleſs and vexatious Petition, relating to the Election of Members to ſerve in this preſent Parliament for the ſaid Borough (*Southwark* in *Surry*) and having ſcandalized

lized this House, in declaring, *That without being duly chosen, he had Friends enow in the House, to bring him into this House*, be taken into the Custody of the Serjeant at Arms attending this House.

2. *Resolved*, That Sir George Meggot do make Satisfaction to the Members of this House he petitioned against, for the Costs and Expences they have been put unto by reason of such Petitions.

3. *Mercurii, 4 die Martii, 1695.*

*Resolved*, That Sir Richard Gipps having preferred to the House a frivolous, vexatious, and groundless Petition, relating to the Election of Members to serve for the said Borough of *Totness*, be taken into Custody of the Serjeant at Arms.

4. *Resolved*, That Sir Richard Gipps do make Satisfaction to the Members of this House he petitioned against, for the Costs and Expences they have been put unto, by reason of such Petition.

5. *Sabbati, 7 die Februarii, 1701.*

*Resolved*, That *Thomas Colepeper, Esq;* who was one of the Instruments in promoting and presenting the scandalous, insolent, and seditious Petition, commonly called, *the Kentish Petition*, to the last House of Commons, hath been guilty of corrupt, scandalous, and indirect Practices, in endeavouring to procure himself to be elected a Burgess to serve in this present Parliament for the Borough of *Maidstone*.

6. *There is another Resolution*, That he is guilty of aspersing the last House of Commons.

7. *Ordcred*, That the said *Thomas Colepeper, Esq;* be, for his said Offence, committed to *Newgate*.

8. *Sabbati,*

8. *Sabbati, die Novembris, 1702.*

*Resolved*, That the Petition of several of the free Burgeſſes of the Corporation of *Colcheſter*, againſt Sir *Thomas Cook*, a Member of this Houſe, is falſe and ſcandalous.

9. *And ſeven Perſons by Name (who were the Petitioners) were ſeverally ordered into Cuſtody.*

### **Plymouth.**

*Veneris, 14 die Decembris, 1739.*

1. *Ordered*, That the Commiſſioner and Clerk of the Cheque of his Maſteſty's Dock-yard, near the Borough of *Plymouth*, do permit *John Rogers*, Eſq; (againſt whom a Petition is depending before this Houſe, touching the laſt Election of a Member to ſerve in Parliament for the ſaid Borough) or his Agents, to inſpect and take Minutes of the Muſter-Rolls and Books, wherein are contained the Time of Entry, and Diſcharge of all Ship-Wrights, Labourers, and other Artificers belonging to the ſaid Dock.

2. *Ordered*, That the Agent-Viſtualler, and Clerk of the Cheque of his Maſteſty's Viſtualling Office at *Plymouth*, do permit *John Rogers*, Eſq; (againſt whom, &c. —) or his Agents, to inſpect and take Minutes of the Muſter-Rolls and Books, wherein are contained the Time of the Entry and Diſcharge of all Perſons employed in the ſaid Service.

3. *On the Hearing, Martis, 15 die Januarii, 1739.*

The ſtanding Order made ſixteenth *January*, One thouſand ſeven hundred and thirty-five, for reſtraining Counſel from offering Evidence touching the Legality of Votes — contrary to the laſt



Determination of the House of Commons, was read.

4. And the last Determination of the House concerning the Right of electing Burgeffes to serve in Parliament for the said Borough, made the ninth Day of *June*, One thousand six hundred and sixty, which was then resolved to be in the Mayor and Commonalty of the said Borough, was also read.

5. Then the Counsel for the Petitioner were heard, and insisted, that the Word *Commonalty*, in the said last Determination, extended only to the Freemen of the said Borough, exclusive of the Freeholders thereof.

Which being denied by the Counsel for the sitting Member, who insisted, that the said Word *Commonalty* includes the Freeholders of the said Borough.

Many Pieces of Evidence were given on each Side (which are stated in the Votes of this Day, and on the Day next hereafter mentioned) consisting chiefly of Charters, Indentures of Return, a Parliament - Roll, and Witnesses to prove the Usage.

And

6. *Jovis, 17 die Januarii, 1639.*

*It was Resolved*, That in the last Determination of this House, of the Right of Election of Members to serve in Parliament for the Borough of *Plymouth*, in the County of *Devon*, made the ninth of *June*, in the Year One thousand six hundred and sixty, which is as followeth, " That the Mayor " and Commonalty of *Plymouth* have Right to " elect Members to serve in Parliament for that " Borough." It appears to this House, That the Word *Commonalty* therein mentioned, extended to the Freemen only of the said Borough.

7. — The



7. — The sitting Member acquainted the House, That the Word *Commonalty*, mentioned in the last Determination of this House, of the Right of Election of Members to serve in Parliament for the Borough of *Plymouth*, being declared by this House to extend to the Freemen only of the said Borough, he would not give the House any further Trouble, and then he withdrew.

8. And the Question being put, That *John Rogers*, Esq; is duly elected a Burgess to serve in this present Parliament for the Borough of *Plymouth*, in the County of *Devon*;

It passed in the Negative.

9. *Resolved*, That *Charles Vanbrugh*, Esq; is duly elected, &c.

### **Plympton.**

1. *Lunæ*, 14 *die Aprilis*, 1690.

*Resolved*, That the Charter granted by the late King *James*, to the Borough of *Plympton*, (in *Com. Devon*) is illegal and destructive to the Constitution of the Government.

2. *Jovis*, 28 *die Januarii*, 1702.

*Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Plympton* in the County of *Devon*, is in the Mayor, Bailiff, and Freemen of the said Borough, and in the Sons of Freemen, who have a Right to demand their Freedom, and have been refused the same.

3. *Resolved*, That the Proceeding of the Mayor and Corporation of the Borough of *Plympton*, in the County of *Devon*, in making Freemen after the Death of his late Majesty, to vote at the last Election, was illegal, and contrary to the Rights

of the said Corporation, and that those Freemen then pretended to be made, have not thereby obtained any Right to vote on that Account in any future Elections.

### POLL.

*Veneris, 15 die Februarii, 1677.*

1. Whereas on the thirtieth of *April* last, an Election was intended to be made of a Knight of a Shire for the County of *Dorset*, upon a Writ legally issued for that Purpose.

*Resolved*, That such Elections and the Returns thereupon are void.

*First*, Because the Sheriff did not execute or obey his Writ.

2. *Secondly*, Because he left divers Freeholders unpoll'd, and made no due Proclamation before he closed the Poll.

3. *Thirdly*, Because he did not number those Voices he polled, nor declared who he judged to be duly elected.

4. *Lastly*, Because he returned two Persons, when he should have returned but one; and signified such his Return to be the Agreement of the Parties, rather than his Judgment according to Right and Law.

A new Writ ordered.

5. *Veneris, 28 die Novembris, 1690.*

*Resolved*, That the Adjournment of the Poll taken at the Election of the Knight of the Shire for the County of *Cardigan*, by the Sheriff of the said County, from *Aberistwith* to *Cardigan*, is a legal and good Adjournment.

Note;

Note, *There is an Act, 1 Mar. which appoints the Sheriff's Tourn to be kept at Cardigan and Aberistwith alternis vicibus ;*  
*But see Stat. 7 & 8 W. 3. c. 25.*

6. *Veneris, 8 die Februarii, 1705.*

*Resolved,* That any Person having a Right to vote for two Members to serve in Parliament, who hath given a single Voice, hath not a Right to come afterwards and give a second Vote during the said Election.

7. *Veneris, 1 die Decembris, 1710.*

The Return for the Borough of *Tiverton*, being read, it appeared that *T. B. R. M.* and *J. W.* Esqrs; had an equal Number of Voices.

*Resolved,* That the late Election of Burgeesses to serve in this present Parliament, for the Borough of *Tiverton*, is a void Election.

Ordered, a new Writ to issue, &c.

At the Hearing the Election for the Shire of *Wigtown*, the Petitioner's Counsel insisting that the sitting Member had not a Right to vote, and the sitting Member's Counsel insisting, that they ought not now to be permitted to make the said Objection, the Petitioner (who was *Præses*) having signed the Freeholder's Roll.

*Resolved,* That the Petitioner having signed the Freeholder's Roll, in which the sitting Member was inserted, with a Protestation, was at Liberty at any Time to renew his Objection against the sitting Member's Vote, before the Election was proceeded on.

8. *Martis, 6 die Martii, 1710.*

At hearing the Election for the Borough of *Cockermouth*, in the County of *Cumberland*.

The Petitioner's Counsel insisting that they ought to proceed to qualify and disqualify all such Voters as were queried upon the Scrutiny, and the sitting Member's Counsel acquainting the House, that there were Lists exchanged between the Parties, the twenty-fourth of *January* last, of what Votes each Party would insist upon to disqualify: The *Speaker*, (by direction of the House) acquainted them, that they should proceed upon the Votes queried at the Election, upon the Lists mutually delivered the twenty-fourth of *January* last.

9. *Jovis, 7 die Februarii, 1711.*

*Resolved*, That it is the Opinion of this Committee, that at the late Election of a Member to serve in this present Parliament for the Borough of *Southwark*, in the County of *Surry*, the Poll being closed and cast up, and the Majority of Votes declared by Proclamation for Sir *George Matthews*, *Henry Martin*, Esq; the Bailiff, could not proceed to a Scrutiny, not having adjourned the Court to any Time or Place.

10. *Sabbati, 28 die Januarii, 1708.*

*Resolved*, That (according to the Terms of the Act of Parliament passed in the third Parliament of King *Charles* the Second, intituled, *An Act concerning the Election of Commissioners for the Shires*; there ought to have been twelve Days exclusive between the Day of Election of a Commissioner to serve in this present Parliament for the Shire of *Ross*, and the  
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the Day appointed by the Writ of Summons for the meeting of the Parliament.

11. *Martis, 13 die Februarii, 1710.*

The Question being put, that *Homer Maxwell, J. G. R. G. L. G. G. of G. and J. B.* who were enfeft of Eftate, redeemable upon paying a Rose-Noble, had a Right to vote in the Election of Commiffioner for the Shire of *Dumfries*.

It paffed in the Negative.

12. *Jovis, 22 die Februarii, 1710.*

The Question being put, that *Abraham Creyton*, (being the Husband of an apparent Heirefs, who was not enfeft) had a Right to vote in the Election of a Commiffioner for the Shire of *Dumfries*,

It paffed in the Negative.

## Portsmouth.

1. *Veneris, 24 die Januarii, 1695.*

*Resolved*, That the Right of Election of Burgeffes to ferve in Parliament for the Borough of *Portsmouth* (in *Com. Southampton*) is in the Mayor, Aldermen, and Burgeffes, of the faid Borough only.

2. *Sabbati, 3 die Februarii, 1710.*

*Resolved*, That *Joseph Whitborn, Esq;* who was elected Mayor of the Borough of *Portsmouth*, on the tenth Day of *December*, One thoufand feven hundred and nine, and had not duly qualified himfelf for that Office according to Law; by taking the Sacrament of the Lord's Supper according to the Rites of the Church of *England*, within one  
Year

Year next before his Election, was not legal Mayor of the said Borough.

3. *Resolved*, That the Aldermen elected during the said pretended Mayoralty of the said Mr. *Whiteborn*, are not legal Aldermen, and the Burgesses elected during his pretended Mayoralty, have not a Right to vote in Elections of Members to serve in Parliament for the said Borough of *Portsmouth*.

### Privileges and Contempts.

*Lunæ*, 14 die *Novembris*, 1692.

1. *Resolved*, *Nemine contradicente*, That the Disfranchising of *Christopher Musgrave*, Esq; a Member of this House, by the Mayor, Aldermen, and Citizens of the City of *Carlisle*, is a Breach of the Privilege of this House.

*And the Persons most concerned, were ordered into Custody.*

*Veneris*, 4 die *Decembris*, 1696.

2. *Resolved*, That Sir *George Meggot*, having prosecuted at Law, *Thomas Maylin* and *John Ladd*, for what they testified at the Committee of Privileges and Elections, the last Session, upon the hearing the Matter touching the Election for the Borough of *Southwark*, is guilty of a Breach of the Privileges of this House.

3. *Ordered*, That Sir *George Meggott* be taken into Custody for the said Breach of Privilege.

*Mercurii*, 26 die *Januarii*, 1703.

4. Mr. *Freeman* (according to Order) reported from the Committee of the whole House to whom it was referred, to consider of the Reports of the Journals

Journals of the House of Lords, touching the Case of *Barnardiston* and *Soames*; the Resolutions which they had directed him to report to the House, which he read in his Place, and afterwards delivered in at the Table, where the same were read, and (with an Amendment to one of them) agreed unto by the House, and are as follows:

*Resolved*, That according to the known Laws and Usage of Parliament, it is the sole Right of the Commons of *England*, in Parliament assembled (except in Cases otherwise provided for by Act of Parliament) to examine and determine all Matters relating to the Right of Election of their own Members.

5. *Resolved*, That according to the known Law and Usage of Parliament, neither the Qualification of any Elector, nor the Right of any Person elected, is cognizable or determinable elsewhere than before the Commons of *England* in Parliament assembled, except in such Cases as are specially provided for by Act of Parliament.

6. *Resolved*, That the examining and determining the Qualification, or a Right of any Elector, or any Person elected to serve in Parliament, in any Court of Law, or elsewhere, than before the Commons of *England* in Parliament assembled (except in such Cases as are specially provided for by Act of Parliament) will expose all Mayors, Bailiffs, and other Officers, who are obliged to take the Poll and make the Return thereupon, to Multiplicity of Actions, vexatious Suits and insupportable Expences, and will subject them to different and independent Jurisdictions and inconsistent Determinations in the same Case without Relief.

7. *Resolved*, That *Matthew Ashby* having in Contempt of the Jurisdiction of this House, commenced and prosecuted an Action at Common-Law against *William White*, and others, the Con-  
stables

stables of *Aylesbury*, for not receiving his Vote at an Election of Burgesses to serve in Parliament, for the said Borough of *Aylesbury*, is guilty of a Breach of the Privilege of this House.

8. *Resolved*, That whoever shall presume to commence or prosecute any Action, Indictment, or Information, which shall bring the Right of the Electors or Persons elected to serve in Parliament, to the Determination of any other Jurisdiction than that of the House of Commons (except in Cases specially provided for by Act of Parliament) such Person or Persons, and all Attorneys, Solicitors, Counsellors, and Serjeants at Law, soliciting, persecuting or pleading in any such Case, are guilty of a high Breach of the Privilege of this House.

9. *Veneris, 4 die Aprilis, 1707.*

*Resolved, Nemine contradicente*, That when any Person ordered to be taken into the Custody of the Serjeant at Arms, shall either abscond from Justice, or having been in Custody shall refuse to pay the just Fees, That in either of those Cases the Order for Commitment shall be renewed the Beginning of the next Session of Parliament; and that this be declared to be a standing Order of the House.

10. *Lunæ, 4 die Aprilis, 1715.*

A Complaint being made to the House, that the Mayor of the Town of *Cambridge* being served with an Order of the Committee of Privileges and Elections, for permitting Mr. *Shepherd* and Mr. *Jenyns*, or their Agents, to inspect the Records, Charters, and publick Books and Writings of the said Town: Mr. *Joseph Pyke*, and Mr. *John York* were called in, and examined at the Bar, and the Order of the Committee was read.

*Resolved*, That Mr. *Charles Chambers*, Mayor of the Town of *Cambridge*, having refused to obey the



the Order of the Committee of Privileges and Elections for permitting *Samuel Shepheard*, jun. and *John Jernys*, jun. Esq; or their Agents to inspect the Records, Charters, and publick Books and Writings of the said Town, be for the said Contempt taken into the Custody of the Serjeant at Arms attending this House.

11. *Lunæ, 4 die Aprilis, 1715.*

A Complaint being made to the House, that the Under-Sheriff of the County of *Cumberland* who executed the Writ for electing Knights of the Shire for the said County, hath not made any Return thereof by the seventeen of *March* last, being the Day appointed for such Return, by which means none of the Members chosen to serve for the said County, or the Boroughs therein, can be admitted to give their Attendance in this House.

*Resolved*, That *Thomas Crosby*, Under-Sheriff of the County of *Cumberland*, having neglected to return the Writ for electing the Members of the said County by the seventeenth Day of *March* last, being the Day appointed for the Return thereof, is guilty of a great Breach of the Privilege of this House.

12. *Ordered*, That the said *Thomas Crosby* be, for the said Breach of Privilege, taken into Custody of the Serjeant at Arms attending this House.

13. *Sabbati, 20 die Martii, 1713.*

A Complaint being made to the House, that the Town-Clerk of the Borough of *Colchester*, having been served with an Order of the Committee of Privileges and Elections, for permitting *Nicholas Corfellis*, Esq; and his Agents, to inspect the Free-School Book, and any publick Books, Charters, Papers, or Records, in order to the preparing for the

the hearing of the Matter touching the Election for the said Borough before the said Committee, he the said Town-Clerk had refused the same. Whereupon one *John Summers*, Servant to the said Mr. *Corfellis*, was called in and examined at the Bar in relation to the Matter of the said Complaint,

And then he withdrew.

*Resolved*, That *Thomas Glascock*, Town Clerk of the Borough of *Colchester* in the County of *Essex*, having refused to obey the Order of the Committee of Privileges and Elections, for permitting *Nicholas Corfellis*, Esq; or his Agents, to inspect the publick Books and Records of the said Borough, be, for the said Contempt, taken into Custody of the Serjeant at Arms attending this House.

14. *Martis*, 24 die *Maii*, 1715.

*Resolved*, That *Joseph Calton*, Mayor of the Borough of *Hertford*, is guilty of acting in an illegal and arbitrary manner in the late Election of Burgesses to serve in Parliament for the Borough of *Hertford*, in Contempt of the Act to prevent false and double Returns of Members to serve in Parliament, and in Breach of the Privilege of this House.

15. *Ordered*; That the said *Joseph Calton* be, for the said Breach of Privilege, taken into the Custody of the Serjeant at Arms attending this House.

16. *Mercurii*, 21 die *Januarii*, 1718.

*Resolved*, That *John Benfield*, Mayor of the Borough of *Corfe Castle* (in *Com. Dorset*) is guilty of divers arbitrary and illegal Practices in the late Election and Return of a Member to serve in this present Parliament for the said Borough, and of a Contempt in not obeying the Order of the Committee

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mittee for producing the Charters of the said Borough in his Custody.

17. *Resolved*, That *William Dowdall*, late Mayor of the Borough of *Corfe Castle*, is guilty of a Contempt in not obeying the Orders of the Committee, for producing the Charters of the said Borough in his Custody.

18. *They were both ordered into Custody, &c. and so was David Toomer on the Saturday following, for arbitrary and illegal Practices at the Election of a Burgess for Shafton, alias Shaftesbury, in Com. Dorset.*

19. *Jovis, 6 die Maii, 1742.*

*Resolved, Nemine contradicente*, That *John Cullis*, having in his Examination before a Committee of this House, wilfully and maliciously given false Evidence, tending to asperse the Character of *John Laroche, Esq;* a Member of this House, is thereby guilty of a high Misdemeanor, and a Breach of the Privilege of this House.

*Ordered, Nemine contradicente*, That the said *John Cullis* be for his said Offence, committed Prisoner to his Majesty's Jail of *Newgate*; and that *Mr. Speaker* do issue his Warrants accordingly.

20. *Martis, 11 die Maii, 1742.*

A Petition of *John Cullis* was presented to the House, and read; representing to the House, that the Petitioner has had the Misfortune of incurring the Displeasure of the House, by giving false Testimony at a Committee, relating to a worthy Member; for which Offence the Petitioner is now confined in his Majesty's Jail of *Newgate*; and that the Petitioner is truly sensible of his Fault, is sincerely sorry, and most heartily repents of such his Offence, and humbly begs Pardon of the House, and



and also of the worthy Member; and that the Petitioner has lately had a violent Fit of Illness, is now very weak, and in a bad State of Health; and most humbly assures the House, that, if he is confined in *Newgate* any longer, it will greatly hazard the Petitioner's Life, which will be an irreparable Loss to his poor Family; and therefore praying the House to take the Petitioner's Case into Consideration, and give leave, that he may be discharged out of Prison.

*Ordered*, That the said *John Cullis*, committed Prisoner by this House, to his Majesty's Jail of *Newgate*, upon *Thursday* last, be brought to the Bar of this House To-morrow Morning, in order to his being discharged out of Custody; and that *Mr. Speaker* do issue his Warrants accordingly.

### Quakers.

*Mercurii, 30 die Aprilis, 1690.*

*For the County of Hertford.*

1. *Resolved*, That Quakers having a Freehold and refusing to take the Oath when tendred by the Sheriff, are incapable of giving their Votes for Knights of the Shire, for that Reason.

2. *Martis, 25 die Maii, 1714.*

The House proceeded (according to Order) to the hearing the Merits of the Election for the Borough of *Southwark*, in the County of *Surry*; and the Counsel were called in, and the Petition complaining of the said Election was read; and the Petitioners Counsel examined several Witnesses, touching the Affirmation which was administered to the People called Quakers, instead of the Oath of Abjuration; and several Sections in the Act of  
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the seventh and eighth Years of King *William*, cap. 34, and in the Act of the sixth Year of Queen *Anne*, cap. 23. were read, and also the Form of the said Affirmation administered to them, was also read,

And the Counsel on both Sides were heard; and then withdrew.

And a Motion being made, and the Question being put, That the Quakers who made their solemn Affirmation in the Form tendered to them instead of the Oath of Abjuration, by the Bailiff of the Borough of *Southwark*, upon the late Election of Members to serve in Parliament for the said Borough, had a Right to vote in the said Election:

It passed in the Negative.

*This is altered by Stat. 1 G. 1. Sess. 1. ch. 7.*

## Qualification of Candidates.

See CAPACITY.

1. *Jovis, 21 die Novembris, 1717:*

*Resolved*, That notwithstanding the Oath taken by any Candidate at or after any Election, his Qualification may be afterwards examined into.

2. *Resolved*, That the Person whose Qualification is expressly objected to in any Petition relating to his Election, shall, within fifteen Days after the Petition read, give to the Clerk of the House of Commons a Paper signed by himself, containing a Rental or Particular of the Lands, Tenements, and Hereditaments whereby he makes out his Qualification; of which any Person concerned may have a Copy.

3. *Resolved*, That of such Lands, Tenements, and Hereditaments, whereof the Party hath not been in Possession for three Years before the Election, he shall also insert in the same Paper from

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what Person, and by what Conveyance, or Act in Law he claims and derives the same; and also the Consideration, (if any) paid, and the Names and Places of Abode of the Witnesses to such Conveyance and Payment.

4. *Resolved*, That if any sitting Member shall think fit to question the Qualification of a Petitioner, he shall, within fifteen Days after the Petition read, leave Notice thereof in Writing with the Clerk of the House of Commons; and the Petitioner shall in such Case, within fifteen Days after such Notice, leave with the said Clerk of the House the like Account in Writing of his Qualification, as is required from a sitting Member.

5. *Resolved*, That the four last Resolutions be declared to be standing Orders of the House.

6. *Martis, 27 die Februarii, 1727.*

The House being acquainted that *Alexander Luttrell* and *Francis Whitworth*, Esqs; (sitting Members for the Borough of *Minehead* in the County of *Somerset*) did on the seventh Day of *February* instant (pursuant to the standing Order of the House of the twenty-first Day of *November*, One thousand seven hundred and seventeen) leave with the Clerk of this House their Demand in Writing of the Qualification of *George Grove*, Esq; one of the Petitioners, complaining of an undue Election and Return for the said Borough; and that the said Mr. *Grove* had not delivered in to the Clerk any Paper of his Qualification, pursuant to the said standing Order.

The Demand of the said Qualification, and also the said standing Order of the House, were read.

And the Clerk of the House being called upon, acquainted the House, that he had not received any particular of Mr. *Grove's* Qualification.

*Ordered,*

*Ordered*, That the Committee of Privileges and Elections be discharged from proceeding upon so much of the Petition of Sir *William Codrington*, Bart. and *George Grove*, Esq; (complaining of an undue Election and Return for the Borough of *Minehead* in the County of *Somerset*) as relates to the said *George Grove*, Esq; he having neglected to comply with the standing Order of this House, whereby he is required to deliver in his Qualification to the Clerk of this House within fifteen Days after demand thereof.

7. *Sabbati, 30 die Aprilis, 1715.*

*Resolved*, That *William Benson*, Esq; one of the Petitioners, complaining of an undue Election for the Borough of *Shaftesbury*, in the County of *Dorset*, having, at the Demand of the sitting Members, delivered in a Particular of Lands, Tenements, and Hereditaments, in order to make out his Qualification to be elected for the said Borough, pursuant to the Order of the House of the twenty-third of *March* last; the Counsel for the sitting Members (if they have any Objection to the said *William Benson's* Qualification) be directed to make their Objections to the said Particular, delivered in pursuant to the said Order of the House, so far only as the same relates to Lands, Tenements, and Hereditaments in the Parish of *Bromley* in the County of *Middlesex*; being the only Qualification the said *William Benson* gave in upon Oath at the said Election, as appears by the Certificate of the Mayor of the said Borough.

Note, *The Qualification upon Oath was not so extensive as that delivered in to the Clerk of the House; but by the last Resolution it appears he was only to take Benefit by such Estate as was comprized both in the Oath and Particular, and not by any Estate comprized in the Particular, but not given in upon Oath.*



8. *Jovis, 7 die Maii, 1730.*

*Resolved*, That *Richard Lloyde*, Esq; did not wilfully refuse to take an Oath of his Qualification, at the Election of a Burgess to serve in this present Parliament, for the Town of *Cardigan*, in the County of *Cardigan*, he not being thereunto legally required.

9. *Jovis, 7 die Februarii, 1734.*

*Resolved*, That on the Petition of any Elector or Electors for any County, City, or Place, sending Members to Parliament, complaining of an undue Election and Return, and alledging, That some other Person was duly elected, and ought to have been returned; the sitting Member so complained of may demand and examine into the Qualification of such Person so alledged to be duly elected, in the same Manner as if such Person had himself petitioned.

10. *Ordered*, That the said Resolution be declared to be a standing Order of the House.

11. *Veneris, 21 die Martii, 1734.*

The House being acquainted that *Thomas Brereton*, Esq; one of the sitting Members for the Borough of *Liverpool* in the County Palatine of *Lancaster*, did on the eighteenth Day of *February* last (pursuant to the standing Order of the House of the sixth Day of the same Month) leave with the Clerk of this House his Demand in Writing of the Qualification of *Foster Cunliffe*, Esq; one of the Persons alledged to be duly elected for the said Borough, in the Petition of *John Cobham*, *George Dickins*, *Thomas Summers*, and others, whose Names are thereunto subscribed, Burgesses of the Borough of *Liverpool*, in the County Palatine of *Lancaster*,  
on



on Behalf of themselves and divers other Burgeſſes of the ſaid Borough, complaining of an undue Election and Return for the ſaid Borough; and that the ſaid Mr. *Cunliſſe* had not delivered into the Clerk any Paper of his Qualification, purſuant to the ſaid ſtanding Order of the Houſe.

The Demand of the ſaid Qualification, and alſo the ſaid ſtanding Order of the Houſe, were read.

And the Clerk of the Houſe being called upon, acquainted the Houſe, that he had not received any particular of the ſaid Mr. *Cunliſſe*'s Qualification.

*Ordered*, That the Committee of Privileges and Elections be diſcharged from proceeding upon ſo much of the ſaid Petition as relates to the ſaid Mr. *Cunliſſe*, he having neglected to comply with the ſtanding Order of this Houſe, whereby he is required to deliver in his Qualification to the Clerk of this Houſe within fifteen Days after Demand thereof.

12. *Lunæ*, 14 die *Januarii*, 1739.

*On a Hearing for the County of Huntingdon.*

The Counſel for the Petitioner inſiſted, that the ſitting Member (Mr. *Clarke*) was not qualified to be elected, according to the Act made in the ninth Year of the Reign of Queen *Anne*, intituled, *An Act for ſecuring the Freedom of Parliaments by the further qualifying the Members to ſit in the Houſe of Commons*.

Then the Counſel for the Petitioner, in Support of one of their Objections, offered to prove (which the Counſel for the ſitting Member admitted) that the Copyhold Lands and Tenements at *Hammerſmith* in the Pariſh of *Fulham*, in the County of *Middleſex*, which the ſitting Member, in the Rental or Particular by him delivered in to the Clerk of the Houſe (purſuant to the ſtanding Order of this Houſe made for that Purpoſe) claims in Fee, ac-

according to the Custom of the Manor of *Fulham*, under a Mortgage Surrender, and an Admission thereto, and a Release of the Equity of Redemption from the Mortgagor, were subject to a subsequent Mortgage made by the said Mortgagor previous to the Date of the said Release of the Equity of Redemption.

13. Then the Counsel for the Petitioner having objected to the Consideration given for the Estate, which the sitting Member, in the said Rental or Particular, claims for his natural Life, by Deed of Feoffment and Livery and Seizin thereon given by *John Clarke* of *Huntingdon*, Gent. they offered to prove (which the Counsel for the sitting Member admitted) that the said Estate was all the real Estate, except about three Pounds *per Annum*, which the said *John Clarke* the Grantor, was seized of at the Time of the Date of the said Deed.

14. Then, the Counsel for the Petitioner having objected to the Annuity of two hundred Pounds which the sitting Member, in the said Rental or Particular, claims for Life by Grant from *Charles Bernard*, Esq; they offered to prove (which the Counsel for the sitting Member admitted) that the Estate charged with the said Annuity does not exceed the yearly Value of one hundred and thirty-two Pounds.

15. Then the Counsel for the Petitioner having objected, that the sitting Member, in the Oath by him taken at the Time of his Election, pursuant to the Direction of the said Act of the ninth Year of the Reign of *Queen Anne*, did not particularly enumerate all the several Parishes, out of which the Fee-farm Rents, mentioned in the said Particular, are issuing.

The Instrument of the said Oath, subscribed by the sitting Member, was produced by the Sheriff, who took the same, and read.

And that Part of the said Rental or Particular which describes the Fee-farm Rents, was read.

And the first, second, third, fourth, and fifth Sections of the said Act, made in the ninth Year of Queen *Anne* were read.

And the Counsel for the sitting Member was heard.

And one of the Counsel for the Petitioner was heard by way of Reply.

And the Counsel on both Sides were directed to withdraw.

Mr. *Clarke* was heard in his Place, and then he withdrew.

16. *Resolved*, That *Charles Clarke*, Esq; is duly elected a Knight of the Shire to serve in this present Parliament, for the County of *Huntingdon*.

### Queenborough.

1. *Jovis*, 17 die *Aprilis*, 1729.

*Resolved*, That the Right of admmitting Burgeses of the Borough of *Queenborough*, in the County of *Kent*, is in the Mayor, Jurats, and Bailiffs of the said Borough only.

### New-Radnor.

1. *Mercurii*, 12 die *Novembris*, 1690.

*Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *New-Radnor*, is in the Burgeses of *Radnor*, *Ryader*, *Knighton*, *Knucklas*, and *Kevenlice* only.

## Reading.

1. *Jovis, 2 die Decembris, 1708.*

*Resolved*, That the Right of electing Burgesſes to ſerve in Parliament for the Borough of *Reading*, in the County of *Berks*, is in the Freemen and Inhabitants; ſuch Freemen not receiving Alms, and ſuch Inhabitants paying Scot and Lot.

2. *Sabbati, 4 die Decembris, 1708.*

*Resolved*, That ſuch Perſons as have, within two Years laſt, received *Kendrick's* Charity, or any other annual Charity, diſtributed in the Borough of *Reading*, have not a Right to vote in Elections of Burgeſſes to ſerve in Parliament for the ſaid Borough.

3. *Mercurii, 30 die Maii, 1716.*

*Resolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Reading*, in the County of *Berks*, is in the Inhabitants only, paying Scot and Lot.

4. *Lunæ, 19 die Januarii, 1740.*

*On a Hearing.*

The laſt Determination of the Houſe, concerning the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Borough, made the thirtieth Day of *May*, One thouſand ſeven hundred and ſixteen, which was then reſolved to be in the Inhabitants only, paying Scot and Lot, was read.

5. And the ſtanding Order of the Houſe, made the ſixteenth Day of *January*, One thouſand ſeven hundred and thirty-five, for reſtraining the Counſel,

*&c.*



&c. from offering Evidence, &c. contrary to the last Determination in the House of Commons, was also read.

6. *Veneris*, 23 die *Januarii*, 1740.

*On a farther Hearing.*

The Counsel for the Petitioner, proposed to disqualify several Persons who voted for the sitting Member at the said Election, as being Certificate Men,

And in order to prove that *Michael Hartwell*, one of the said Persons, was a Certificate Man,

*Thomas House*, who acts for his Brother, as one of the Overseers of the Parish of *St. Lawrence*, in the Borough of *Reading*, being examined as a Witness, produced a Paper, which he called a Certificate, and which, he said, he found in the Chest belonging to the said Parish, where the public Writings of the said Parish are usually kept; the said Paper being dated the twenty-ninth Day of *March*, One thousand seven hundred and twenty-eight, and purporting to be a Certificate of the Parish Officers of *Woodley*, in the County of *Berks*, and signed by two Persons as Justices of the Peace, allowing the said Certificate.

And one of the Counsel for the sitting Member, having objected to the Admission of that Paper in Evidence, the Hand-Writing of the said Justices not being proved,

*The Counsel on both Sides were heard, and directed to withdraw.*

The House was moved, That the eighth Section of an Act made in the third Year of the Reign of his present Majesty, cap. 29. touching the Proof of Certificates given by the Officers of any Parish, or Place, might be read.

And the same was read accordingly.

*Resolved,*

*Resolved*, That a Paper, dated the twenty-ninth Day of *March* One thousand seven hundred and twenty-eight, purporting to be a Certificate from the Parish of *Woodley*, in the County of *Berks*, to the Parish of *St. Lawrence*, in the Borough of *Reading*, signed by two Persons as Justices of the Peace, allowing the said Certificate, and now produced by *Thomas House*, who acts for his Brother as Overseer of the Poor of the said Parish of *St. Lawrence*, and by him taken out of the Chest belonging to the said Parish of *St. Lawrence*, where the publick Writings of the said Parish are usually kept, be admitted to be brought up, and read in Evidence, although the Hand-Writing of the said Persons, who have so signed the said Certificate, as Justices of the Peace, be not proved.

7. *Lunæ*, 26 die *Januarii*, 1740.

*On a further Hearing.*

The Counsel for the Petitioner having proposed to disqualify several Persons who voted for the sitting Member, as having received Alms from a Charity, called *Kendrick's* Charity.

The Resolution of the House of the fourth Day of *December*, in the seventh Year of the Reign of *Queen Anne*, made upon Consideration of the Merits of an Election for the said Borough, was read, whereby it was resolved, That such Persons as had, within two Years last, received *Kendrick's* Charity, or any other annual Charity, distributed in the said Borough, had not a Right to vote in Elections of Burgesses to serve in Parliament for the said Borough.

Then the Counsel for the Petitioner examined several Witnesses, and produced Evidence, in order to disqualify such Voters for the sitting Members as had received a Proportion of that Charity, within

within two Years before the last Election for the said Borough.

Then they examined several Witnesses, and produced Evidence, in order to establish the Votes of several Persons who were rated, and tendered their Votes for the Petitioner, but were rejected by the Mayor, and also of several other Persons, who were proposed to the Overseers of Poor, to be put upon the Rates, as fit to be rated, but were rejected by them, and who tendered their Votes for the Petitioner, and were rejected by the Mayor.

8. *Martis, 27 die Januarii, 1740.*

*On a further Hearing.*

The Counsel for the Petitioner examined several Witnesses, in order to prove what Number of Persons were continually added to the Rates made in the several Parishes within the said Borough, for several Years before the said Election, and also to shew who have been Mayors of the said Borough for the Years One thousand seven hundred and thirty-eight, One thousand seven hundred and thirty-nine, One thousand seven hundred and forty, and who have been Overseers of the several Parishes within the said Borough, for the Years One thousand seven hundred and thirty-nine, and One thousand seven hundred and forty, and for which of the Candidates such Mayors and Overseers severally voted at the last Election.

Then they produced an Order, made at the Quarter Session of the Peace, held for the said Borough, *October* the eleventh, One thousand seven hundred and thirty-four, in order to shew, that *Christopher Littleworth*, who was appointed, by the Mayor, Overseer of the Poor for the Parish of *St. Giles*, within the said Borough, for the Year One thousand



thousand seven hundred and forty, was at that Session, upon Appeal, discharged from payment to the Rates on account of his Poverty.

And the said Order being read,

They examined several Witnesses as to the Behaviour of the Mayor at the last Election.

## Return.

1. After the Sheriff, Mayor, or other returning Officer has duly held the Election in Obedience to the Writ or Precept respectively, they ought duly to return the same, *viz.* the Mayor, his Precept with the Indenture annexed, to the Sheriff; and the Sheriff, his Writ, with its Indenture, and all the Precepts with their Indentures annexed, to the Clerk of the Crown in *Chancery*. See Stat. 8 *H.* 6. *c.* 7. and Stat. 23 *H.* 6. *c.* 15.

By Stat. 7 *Hen.* 4. *c.* 15. after they (*viz* *Knights of Shires* (be chosen, the Names of the Persons so chosen (be they present or absent) shall be written in an Indenture under the Seals of all them that did choose them, and tacked to the Writ, which Indenture so sealed and tacked, shall be holden for the Sheriff's Return.

2. *Sabbati, 12 die Aprilis, 1690.*

*Resolved*, That after the Return made into the *Crown Office* of Members to serve in Parliament, the same shall not be altered by the Sheriff, or Clerk of the Crown, or any other, but by this House.

3. *Martis, 24 die Februarii, 1701.*

*Resolved*, That Mr. *Abraham Owen*, one of the Sheriffs of the City of *Coventry*, is guilty of a false and



and double Return, and of divers indirect Practices in the late Election for the City of *Coventry*.

*The like Resolution passed against Mr. John Collins, the other Sheriff of Coventry; and they both were ordered into Custody; as was also their Under-sheriff, &c.*

*Sabbati, 28 die Martii, 1702.*

4. The Serjeant at Arms being called upon to give the House an Account of what he had done in relation to the apprehending of the Persons at *Coventry*, ordered to be taken into Custody, he acquainted the House, that he having sent his Messenger with a Warrant to *Coventry*, he was informed that some Person had gone Post before his Messenger, and given them Notice (though he got thither by the next Day at Noon) upon which they fled and absconded; and that his Messenger having taken one *Edward Bosworth* (of the City of *Coventry*) to his Assistance, the said *Bosworth* was threatened for what he did, by Mr. *Edward Owen*, Alderman of the said City; and that the said *Bosworth* attended, to give the House an Account thereof.

And the said *Bosworth* was called in, and examined.

*Resolved*, That Mr. *Edward Owen* (Alderman of *Coventry*) is guilty of a Breach of the Privilege of this House, and Contempt against the same, by using threatening Language against the Person that assisted the Serjeant in Execution of the Orders of this House.

5. *Ordered*, That the said Mr. *Edward Owen* be, for his said Crime, taken into Custody.

The Serjeant being called upon to give the House an Account of what he had done in Execution of the Order for the apprehending of *Thomas Colepeper*, Esq; he acquainted the House, that diligent

gent search had been made after him, but that he was fled or absconded.

6. *Resolved*, That *Thomas Colepeper*, Esq; having been guilty of many scandalous and indirect Practices, and in Contempt of the Justice of this House, hath absconded, that an humble Address be presented to her Majesty, that she will be pleased to issue forth her Royal Proclamation for apprehending the said Mr. *Colepeper*.

7. *Resolved*, That Mr. *Abraham Owen*, one of the Sheriffs of the City of *Coventry*, having been guilty of a false and double Return for the City of *Coventry*, and divers indirect Practices, and in Contempt of the Justice of this House, having absconded, that an humble Address be presented to her Majesty, that she will be pleased to issue forth her Royal Proclamation for apprehending the said Mr. *Owen*.

8. *The like Resolutions were passed touching the other Sheriff of Coventry, and the Under-sheriff, severally.*

*Ordered*, That the said Addresses be presented to her Majesty by such Members of this House as are of her Majesty's most honourable Privy-council.

9. *Veneris, 6 die Novembris, 1702.*

Mr. *Burnell*, the High-sheriff of the County of *Nottingham*, and Mr. *Simon Jackson*, his Under-sheriff, attending, (according to Order) the High-sheriff was called in, and examined, touching the not making a Return of the Writ for the electing the Members to serve in this present Parliament for the said County; and he acquainted the House, that he did not meddle with the Execution or Return of the said Writ, nor ever had it in his Possession; but left it wholly to his Under-sheriff; and then he withdrew.

Afterwards

Afterwards the Under-sheriff was called in and examined; and then he withdrew.

*Ordered*, That Mr. *Burnell*, the High-sheriff of the County of *Nottingham*, be discharged out of Custody.

10. *Ordered*, That Mr. *Samuel Jackson*, Under-sheriff of the County of *Nottingham*, for keeping back the Return of the Writ for choosing of the Members of the said County, be taken into Custody.

10. *Martis, 10 die Novembris, 1702.*

Mr. *Edward Holland*, the High-sheriff of the County of *Merioneth*, was (according to Order) brought to the Bar, and examined touching his not making the Return of the Writ for the electing of a Knight for the said County. And he acquainted the House, that it was a Surprise to him to find it was not returned; he having executed the Writ, and made the Return, and delivered it to his Under-sheriff to bring up, who brought the same up with him.

And then he withdrew.

And Mr. *Robert Nanny*, the Under-sheriff, attending, he was called in, and examined; who acquainted the House, that there being but one Member to be returned, he being a young Man, kept the Writ and Return by him, designing to send it up by the Member; but that he did not come up, in regard his Lady was ill.

And then he withdrew.

*Ordered*, That the said Mr. *Holland* be discharged out of the Custody of the Serjeant at Arms.

11. Then a Motion being made, and the Question being put, that Mr. *Robert Nanny*, the Under-sheriff of the County of *Merioneth*, for neglecting to return the Writ, for electing the Member for the said County, be taken into Custody,

It passed in the Negative.

12. *Veneris,*

12. *Veneris, 18 die Januarii, 1722.*

Hugh Baillie, and several others of Scotland, who on the twenty-third of October were ordered to attend for acting as Returning officers, &c. were now ordered into Custody; as was also the Sheriff-depute for the Shire of Fife, for accepting and returning an Indenture of Return not made by the proper Officer of the District of Burghs.

### Richmond.

1. *Sabbati, 9 die Martii, 1727.*

*Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Richmond*, in the County of *York*, is in such Persons only as are Owners of Ancient Burgages in the said Borough, having a Right of Pasture in a Common Field called *Whitcliffe Pasture*.

### Riots.

1. *Martis, 10 die Novembris, 1702.*

*Resolved*, That there was a great Tumult and Riot at the Election of Burgesses to serve in Parliament for the Borough of *Southwark*, in the County of *Surry*.

2. *Resolved*, That the said Tumult and Riot was committed by the Servants and Agents of *Charles Cox*, and *John Cholmley*, Esqrs;

3. *The next Resolution is as to the Right of electing.*

4. *Resolved*, That *Charles Cox*, Esq; is not duly elected a Burgess to serve in Parliament for the said Borough of *Southwark*.

5. *Resolved*,



5. *Resolved*, That *John Cholmley*, Esq; is not duly elected a Burgess to serve in Parliament for the said Borough of *Southwark*.

6. *Resolved*, That the late Election of Burgesses to serve in Parliament for the said Borough of *Southwark*, is a void Election.

7. *Ordered*, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing two Burgesses to serve in this present Parliament for the said Borough of *Southwark*, in the Room of the said *Charles Cox*, Esq; and *John Cholmley*, Esq; whose Elections are declared to be void.

*Mercurii, 5 die Februarii, 1706.*

8. *Resolved*, That the late Election of Citizens to serve in Parliament for the City of *Coventry*, is a void Election.

9. *Resolved*, That it appears to this House, that there hath been a notorious Riot and Tumult, and other illegal Practices at the Election of Citizens to serve in this present Parliament for the City of *Coventry*, in Contempt of the civil Authority, and in violation of the Freedom of Elections.

*Martis, 6 die Novembris, 1722.*

10. *Resolved*, That it appears to this House, that there were notorious and outrageous Riots and Tumults at the late Election of Citizens to serve in Parliament for the City of *Westminster*, in Defiance of the Laws of this Realm, and in violation of the Freedom of Elections.

11. Then the Question being put, that *Archibald Hutcheson*, Esq; is duly elected a Citizen to serve in this present Parliament for the City of *Westminster*,

S

It

It passed in the Negative.

12. The Question being put, that *John Cotton*, Esq; is duly elected a Citizen to serve in this present Parliament for the City of *Westminster*,

It passed in the Negative.

13. *Resolved*, That the late Election of Citizens to serve in Parliament for the City of *Westminster*, is a void Election.

14. *Martis, 20 die Novembris, 1722.*

*Resolved*, That it appears to this House, that there were notorious and outrageous Riots, Tumults, and Seditions, at the late Election of Citizens to serve in Parliament for the City of *Coventry*, in Defiance of the Civil Authority, and in violation of the Freedom of Elections, caused by the Agents and Friends of the Petitioners, who were the Authors, Contrivers, and Promoters of the said Riots, Tumults, and Seditions.

15. The Question being put, that Sir *Adolphus Oughton*, Knight and Baronet, is duly elected a Citizen to serve in this present parliament for the City of *Coventry*.

It passed in the Negative.

16. The Question being put, that *John Neale*, Esq; is duly elected a Citizen to serve in this present Parliament for the City of *Coventry*,

It passed in the Negative.

17. *Resolved*, That the late Election of Citizens to serve in Parliament for the City of *Coventry* is a void Election.

18. *Resolved*, that it appears to this House that *Charles Buggs* was one of the principal Contrivers and Promoters of the Riots, Tumults, and Seditions at the late Election of Citizens to serve in Parliament for the City of *Coventry*.

19. *And Charles Buggs was ordered into Custody.*

20. *The like Votes and Orders severally upon George Newcombe, William Wells, Sir Thomas Grey, Knight, Mr. Thomas Kimberley, Mr. Thomas Wright, Mr. George Aldridge, and Benjamin Holden.*

*Martis, 22 die Martii, 1736.*

21. *On a Hearing for Coventry.*

The Counsel for the Petitioner produced Evidence touching a Riot at the Time of the Election, which occasioned a Discontinuance of the Poll.

And the Counsel for the sitting Member was heard, and having denied that the Magistrates of the said City, or the sitting Member occasioned the said Riot, acquainted the House, that he was not instructed to oppose the Evidence produced by the Counsel for the Petitioner.

Mr. Neale was heard in his Place.

*Resolved*, That it appears to this House, that there was a great Riot and Tumult at the late Election of a Citizen to serve in this present Parliament for the City of *Coventry*, in violation of the Freedom of Elections.

22. — The Question being put that *John Neale*, Esq; is duly elected a Citizen to serve in this present Parliament for the City of *Coventry*,

It passed in the Negative.

23. *Resolved*, That the late Election of a Citizen to serve in this present Parliament for the City of *Coventry*, is a void Election.

## Rye.

*Sabbati, 29 die Decembris, 1702.*

1. *Resolved*, That the Right of Election of Barons to serve in Parliament for the Port of *Rye*, is only in the Mayor, Jurats, and in the Freemen inhabiting in the said Port, and paying Scot and Lot.

*Sabbati, 17 die Februarii, 1710.*

2. *Resolved*, That *Thomas Hills, W. W. T. B.* and *J. R.* having been proposed to be made Free, and rejected at a Court of Assembly, and afterwards made Free in the same Mayoralty, are not legal Freemen of the Port of *Rye*.

3. *Resolved*, That it is not necessary the Freemen of the Port of *Rye*, should qualify themselves according to the Corporation Act, before they be allowed to vote in the Assembly-Court of the said Port.

## Sandwich.

*1. Veneris, 31 die Octobris, 1690.*

*Resolved by the Committee*, That the Freemen of the Port of *Sandwich*, inhabiting within the said Port (although they receive Alms) have a Right to vote in electing Barons to serve in Parliament.

This Resolution being read a second Time, and the Question being put, that the House do agree with the Committee in the said Resolution,

It passed in the Negative.

*Scarborough.*



## Scarborough.

*Mercurii, 21 die Aprilis, 1736.*

1. *Resolved, (by the Committee)* That the Right of Election of Burgesses to serve in Parliament for the Borough of *Scarborough*, in the County of *York*, is in the Common House, or Common-council of the said Borough, consisting of two Bailiffs, two Coroners, four Chamberlains, and thirty-six Burgesses only.

Agreed to by the House.

## Scotland.

1. *Martis, 19 die Januarii, 1741.*

It appearing from the said double Return with which the Clerk of the Crown attended according to order, that the Indenture of Return of the Honourable *Alexander Hume Campbell, Esq;* was immediately annexed to the Writ.

The Counsel for the Honourable *Alexander Hume Campbell, Esq;* were first heard.

*Resolved,* That the Counsel be called in, and directed to proceed according to the Resolution of this House of the eleventh of *May*, One thousand seven hundred and thirty-three, which Resolution is, That the Right of Election of a *Præses* and Clerk, is in such Persons as stand upon the Roll last made up by the Freeholders at the *Michaelmas* Head Court, or at the last Election of a Member to serve in Parliament.

*Resolved,* That *David Home* of *Wedderburn*, Sheriff-depute for the Shire of *Berwick*, having accepted and returned to the Clerk of the Crown in Chancery, an Indenture of Return of a Commis-

sioner to serve in this present Parliament for the Shire of *Berwick*, not being signed by the proper Clerk, has acted arbitrarily and illegally, in Defiance of the Laws of the Land, and in Breach of the Privileges of this House.

*Ordered*, That the said *David Home*, be for his said Offence, taken into the Custody of the Serjeant at Arms attending this House.

2. *Luna*, 25 die *Januarii*, 1741.

The House being informed, that the Honourable *James Carmichael*, Esq; who is returned in the Double Return for the District of Burghs of *Peebles*, *Linlithgow*, *Lanerk* and *Selkirk*, petitioned complaining thereof, and of the Election for the said District of Burghs, desires to withdraw his Petition, and not to contest the Matter of the said Election and Return with *John Mackye* of *Palgown*, Esq; returned also in the said Double Return;

*Ordered*, That Mr. *Carmichael* be at liberty to withdraw his said Petition.

The House being thereupon also informed that *John Mackye*, Esq; who is returned in the said Double Return, and petitioned complaining thereof, and of the Election for the said District of Burghs, desires to withdraw his Petition.

*Ordered*, That Mr. *Mackye* be at liberty to withdraw his said Petition.

*Ordered*, That the Order made upon the fourteenth Day of *December* last, for hearing the Matter of the said Petitions, and of the said Double Return, at the Bar of this House, be discharged.

*Ordered*, That the Clerk of the Crown do attend this House immediately, to amend the Return for the District of Burghs of *Peebles*, *Linlithgow*, *Lanerk*,  
nerk,

~~kerk~~, and *Selkirk*, by razing out the Name of the Honourable *James Carmichael*, Esq;

And he attended accordingly with the said Double Return.

And Notice being taken, that some other Parts of the Indenture of the said Double Return, did relate also to the Return of the said Mr. *Carmichael*.

*Ordered*, That the Clerk of the Crown do likewise raze out whatever Parts of the said Indenture relate to the Return of the said Mr. *Carmichael*.

And he amended the said Return accordingly.

### 3. *Mercurii, 27 die Januarii, 1741.*

The House being informed, that *James Fall*, Esq; who is returned in the Double Return for the District of Burghs of *Dunbar, North-Berwick, Haddington, Lauder, and Jedburgh*, and petitioned complaining thereof, and of the Election for the said District of Burghs, desires to withdraw his Petition, and not to contest the Matter of the said Election and Return with Sir *Hew Dalrymple*, Baronet, returned also in the said Double Return;

*Ordered*, That Mr. *Fall* be at liberty to withdraw his said Petition.

The House being thereupon also informed, that Sir *Hew Dalrymple*, Baronet, who is returned in the said Double Return, and petitioned complaining thereof, and of the Election for the said District of Burghs, desires to withdraw his Petition.

*Ordered*, That Sir *Hew Dalrymple*, Baronet, be at Liberty to withdraw his said Petition.

The House being thereupon, likewise informed, that the Magistrates and Town-council of the Borough of *Haddington*; and also that the Magistrates and Town-council of the Borough of *North Berwick*, and also that the Magistrates and Town-

council of the Borough of *Lauder*, who severally petitioned, complaining of the said Election and Double Return, desire to withdraw their said Petitions ;

*Ordered*, That the Magistrates and Town-council of the Borough of *Haddington*, be at Liberty to withdraw their said Petition.

*Ordered*, That the Magistrates and Town-council of the Borough of *North Berwick*, be at Liberty to withdraw their said Petition.

*Ordered*, That the Magistrates and Town-council of the Borough of *Lauder*, be at liberty to withdraw their said Petition.

*Ordered*, That the Committee of Privileges and Elections be discharged from proceeding upon the Matter of the said several Petitions, and of the said Double Return.

*Ordered*, That the Clerk of the Crown do attend this House immediately, to amend the Return for the District of the Burghs of *Dunbar*, *North Berwick*, *Haddington*, *Lauder*, and *Jedburgh*, by taking off the File the Indenture, by which the said *James Fall*, Esq; is returned a Commissioner to serve in this present Parliament for the said District of Burghs.

And he attended accordingly, and amended the said Return.

4. *Mercurii*, 14 die *Julii*, 1742.

*Ordered*, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Commissioner to serve in this present Parliament for the Shire of *Edinburgh*, in the room of Sir *Charles Gilmour*, Bart. who, since his Election for the said Shire, hath accepted the Office of Pay-master of his Majesty's Board of Works.

5. *Mer-*



5. *Mercurii, 20 die Aprilis, 1743.*

*Ordered*, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Commissioner to serve in this present Parliament, for the Shire of *Linlithgow*, in the room of *George Dundas*, Esq; who, since his Election for the said Shire, hath accepted of the Office of Master of his Majesty's Works in that Part of *Great Britain* called *Scotland*.

### **Shaftesbury.**

1. *Sabbati, 29 die Februarii, 1695.*

*Resolved*, That the Right of electing Members to serve in Parliament, for the Borough of *Shaftesbury*, (in *Com. Dorset*) is not only in the Mayor and Burgeses of the said Borough.

2. *Resolved*, That the Right of electing Members to serve in Parliament for the said Borough of *Shaftesbury*, is only in the Inhabitants of the said Borough, paying Scot and Lot.

### **Shrewsbury.**

1. *Martis, 20 die Decembris, 1709.*

*Resolved*, That the Right of electing Burgeses to serve in Parliament for the Borough of *Shrewsbury*, in the County of *Salop*, is only in the Burgeses inhabiting in the said Borough, or in the Suburbs thereof, paying Scot and Lot, and not receiving Alms or Charity.

2. *Jovis,*

2. *Jovis, 27 die Maii, 1714.*

*Resolved*, That the Right of electing of Burgesſes to ſerve in Parliament for the Borough of *Shrewsbury*, in the County of *Salop*, is in the Mayor, Aldermen, and Burgesſes of the ſaid Borough.

3. The Petition of *John Powel, Robert Pearson, &c.* and ſeveral others, whoſe Names are ſubſcribed thereto, being Burgesſes of, and inhabiting in the Town of *Shrewsbury*, being read ;

*Resolved*, That the ſaid Petition, complaining of an undue Election and Return of *Edward Creſſett*, for the ſaid Borough of *Shrewsbury*, is frivolous, vexatious, and ſcandalous.

4. *Ordered*, That the ſaid Petitioners do make Satisfaction to the ſaid Mr. *Creſſett*, for his Coſts and Expences.

5. *Martis, 9 die Aprilis, 1723.*

*Resolved*, That the Right of Election of Burgesſes to ſerve in Parliament for the Borough of *Shrewsbury*, in the County of *Salop*, is only in the Burgesſes inhabiting in the ſaid Borough, or in the Suburbs thereof, paying Scot and Lot, and not receiving Alms or Charity.

6. *Resolved*, That the whole Pariſhes of *St. Chad, St. Mary, St. Alkmond, St. Julian, the Holy Croſs*, and *St. Giles*, and the ſeveral Villſ of *Hadnall, Aſton-Reynold, Meriden, Hanwood, Grinſel, Ollerton, Onſlow, Preſton, Gubald, Pimley, and Merival*, are not within the Borough of *Shrewsbury*, or the Suburbs thereof.

7. *Resolved*, That the ſeveral Villſ of *Biſton, Betton, Alkmear, Lengwar, Calcot, Whitley, Whelback, Upper and Lower Roſſal, Shelton Oxon, Woodcot, Horton, Munkmeal, and Goſebill*, in the Pariſh

of

St. Chad's; Great and Little Berwick, Almond-Park, Newton, Albright-Husley, Cotton-Hill, Leaton, Asley, Merrington, Wollascot, Sansaw, and Clive, in the Parish of St. Mary, Hencot, Albright-Lee, Preston-Montford, Dintle, and Arlescot, in the Parish of St. Alkmond; and Pully and Shelton, in the Parish of St. Julian; are not Part of the ancient Borough of Shrewsbury, or the Suburbs thereof.

8. *Resolved*, That the Parish of *Holy-Cross* and *St. Giles* is not Part of the ancient Borough of *Shrewsbury*, or the Suburbs thereof.

### Southampton.

1. *Martis*, 31 die Decembris, 1689.

*Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Town and County of the Town of *Southampton*, is in the Burgesses and Inhabitants of the said Town.

*Martis*, 17 die Martij, 1695.

2. *Resolved*, That the outliving Burgesses, as well as the Burgesses, Inhabitants, and other Inhabitants, paying Scot and Lot, have a Right to vote for electing Members to serve in Parliament, for the Town and County of the Town of *Southampton*.

3. *Veneris*, 31 die Januarii, 1734.

The Deputy-clerk of the Crown attending (according to Order) with the Return for the Town and County of the Town of *Southampton*.

The

The Writ directed to the Sheriff of the said Town, was read.

And Notice being taken, that the Precept of the said Sheriff was not annexed to the said Writ.

And the House being informed, that the Deputy-clerk of the Crown had received a Letter, with the said Precept inclosed;

He delivered the same in at the Table.

And the said Letter, directed to the said Deputy-clerk of the Crown, subscribed by *Joseph Moyle*, dated *Southampton, January thirty*, One thousand seven hundred and thirty-four, and certified under the Hands of the said Sheriff and his Under-sheriff, to be written by their Request, intimating, that the said Precept was omitted by the Under-sheriff; and desiring the said Deputy-clerk of the Crown immediately to annex it to the two Returns and the Writ, before he laid it before the House of Commons; was also read.

And the said Precept, directed to the Mayor and Bailiffs of the said Town, and commanding them and every one of them, jointly and severally, to cause two Burgeesses to be elected, with the indorsed Receipt of the said Precept, signed by the said Mayor and Bailiffs, was also read.

And the Return of Sir *William Heathcote*, Bart. and *Anthony Henley*, Esq; by Indenture under the Hands and Seals of *Arthur Bracebridge*, Esq; Mayor of the said Town, and *Arthur Atherley* the younger, Gent. one of the Bailiffs of the said Town, and several Burgeesses and Inhabitants thereof, annexed to the said Writ, was also read.

And the Return of Sir *William Heathcote*, Bart. and *John Conduitt*, Esq; by Indenture under the Hands and Seals of *Joseph Ward*, Gent. one of the Bailiffs of the said Town; and several other Burgeesses and Inhabitants thereof, annexed likewise to the said Writ, was also read.

And



And a Motion being made; and the Question being put, that the Deputy-clerk of the Crown do attend this House upon this Day fortnight with the Return for the Town and County of the Town of *Southampton*.

It passed in the Negative.

4. Afterwards, Mr. *Conduitt* and Mr. *Henley* severally petitioned.

*Jovis, 3 die Aprilis, 1735.*

5. *Resolved*, That the Mayor and Bailiffs of the Town and County of the Town of *Southampton*, are the Returning Officers for the said Town and County.

### **Southwark.**

1. *Martis, 10 die Novembris, 1702.*

*Resolved*, That the Right of electing Burgesſes to ſerve in Parliament for the Borough of *Southwark*, in the County of *Surry*, is only in the Inhabitants thereof paying Scot and Lot.

2. *Martis, 29 die Junii, 1714.*

On the further Hearing of the Merits of the Election for the Borough of *Southwark*, in the County of *Surry*, &c.

A Motion being made, and the Question being put, that the Persons inhabiting in the *Mint*, or Rules of the *Queen's Bench*, in the Borough of *Southwark*, and paying a Rent of ten Pounds *per Annum*, or upwards, have a Right to vote for Members to ſerve in Parliament for the ſaid Borough of *Southwark*, though they do not pay Scot and Lot within the ſaid Borough.

It passed in the Negative.

3. *Martis,*

3. *Martis, 10 die Februarii, 1735:*

*On a Hearing for Southwark.*

The standing Order of the sixteenth of *January* last (for which see *Title Evidence*) was read; And The last Determination of the (*Supra Martis, 10 die Novembris*, One thousand seven hundred and two) was read.

*See more of this Hearing under Title Evidence.*

*Stafford.*

*Jovis, 25 die Januarii, 1710.*

1. *Resolved*, That the Sons of Burgeses and those who have served Apprentices seven Years in the Borough of *Stafford*, have a Right (upon demand thereof) to be made Burgeses of the said Borough.

2. *Martis, 27 die Novembris, 1722:*

*Resolved, Nemine contradicente*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Stafford*, in the County of *Stafford*, is in the Mayor, Aldermen, and Burgeses resident within the said Borough.

3. *Jovis, 4 die Februarii, 1734:*

*Resolved*, That Persons made Burgeses of the Borough of *Stafford*, in the County of *Stafford*, since the Death of *John Dolphin, Esq;* late Member of Parliament for the said Borough (not being Sons of Burgeses, or not having served seven Years Apprenticeship within the said Borough) had not a Right to vote in the late Election of a Burges

ges to serve in this present Parliament for the said Borough.

**Stamford.**

1. *Luna, 8 die Martii, 1735.*

*Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Stamford*, in the County of *Lincoln*, is in the Inhabitants paying Scot and Lot, and not receiving Alms or publick Charities.

**Sudbury.**

1. *Martis, 19 die Januarii, 1702.*

*Resolved*, That the Sons of Freemen, born after their Fathers were made Free, and those that have served Apprenticeships in the Borough of *Sudbury*, in the County of *Suffolk*, have a Right to vote in the Election of Members to serve in Parliament for the said Borough, without any Admission in Form to their Freedom, or taking the Oath of Freemen.

2. *Resolved*, That it appears to this House, that *Benjamin Carter*, late Mayor of the Borough of *Sudbury*, in the County of *Suffolk*, was, at the last Election of Burgesses to serve in Parliament for the said Borough, guilty of great Violence and many indirect Practices, contrary to the Rights and Privileges of this House.

3. *Ordered*, That the said *Benjamin Carter* be, for his said Offence, taken into the Custody of the Serjeant at Arms attending this House.

*Lunæ, 6 die Decembris, 1703.*

4. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Sudbury*, in the County of *Suffolk*, is only in the Sons of Freemen born after their Fathers were made Free; and in such as have served seven Years Apprenticeship, or are made Freemen by Redemption.

### *Sutherland.*

1. *Lunæ, 25 die Februarii, 1722.*

*Resolved*, That the Right of electing a Commissioner to serve in Parliament for the Shire of *Sutherland*, is in the Heritors, Fewars, Wadsetters, and Life-renters, possessed of Lands in the said Shire, whether holding of the Crown, or of a Subject.

### *Tamworth.*

1. *Veneris, 17 die Martii, 1698.*

*Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Tamworth*, is in the Inhabitants paying Scot and Lot, and in such Persons as have Freeholds within the said Borough, whether resident in the said Borough, or not.

*Martis, 1 die Decembris, 1702.*

2. The House being informed that there is a new Writ issued only to the Sheriff of the County of *Stafford*, for the electing a Burgess to serve in Parliament for the Borough of *Tamworth*, whereas the Borough is also within the County of *Warwick*;



*Ordered*, That the Clerk of the Crown do make out a *Superfedeas* to the Writ by him lately made out, and directed to the Sheriff of the County of *Stafford* only; and that Mr. *Speaker* do issue his Warrant to the Clerk of the Crown to make out a Writ directed to the Sheriff of the County of *Warwick*, and another Writ directed to the Sheriff of the County of *Stafford*, for the electing a Burgeses to serve in this present Parliament for the said Borough of *Tamworth*.

3. *Mercurii*, 23 die *Januarii*, 1722.

*Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Tamworth*, is in the Inhabitants, being Householders, paying Scot and Lot, and not receiving Alms.

### **Tavistock.**

1. *Veneris*, 13 die *Martii*, 1695.

*Resolved*, That the Right of electing Burgeses to serve in Parliament for the Borough of *Tavistock*, (in *Com. Devon.*) is in the Freeholders of Inheritance in Possession, inhabiting within the said Borough.

2. *Jovis*, 4 die *Februarii*, 1696.

*Resolved*, That the Right of electing Burgeses to serve in Parliament for the Borough of *Tavistock*, in the County of *Devon*, is in the Freeholders of Inheritance in Possession, inhabiting within the said Borough, who have been or shall be presented as such, by the Jury of Enquiry of the said Borough.

3. *Martis*, 19 die *Januarii*, 1702.

*Resolved*, That the Right of electing Burgeses to serve in Parliament for the Borough of *Tavistock*,

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in

in the County of *Devon*, is in the Freeholders of Inheritance in Possession, inhabiting within the Borough.

### Taunton.

1. *Jovis*, 28 die *Julii*, 1715.

*Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Taunton*, in the County of *Somerset*, is in the Inhabitants within the said Borough, being Pot-wallers, and not receiving Alms or Charity.

2. *Jovis*, 11 die *Augusti*, 1715.

The House proceeded on the farther hearing the Merits of the Election for the Borough of *Taunton*; and the Counsel on both Sides were called in; and the Petitioner's Counsel insisted upon the disqualifying several Persons who voted for the sitting Members, on account of their having received the Charities called the *Town-Charity* (which is vested in Feoffees) and *Meredith's Charity*.

And a Book being produced, wherein is entered the Account of the Disposition of the *Town-Charity*, the sitting Member's Counsel objected to the said Book's being read as Evidence.

*Resolved*, That the Account of *Jeffery Pyfing*, Steward and Bailiff of the Lands and Tenements belonging to the Town of *Taunton*, in the County of *Somerset*, from the twenty-first Day of *December*, One thousand seven hundred and thirteen, to the twenty-first Day of *December*, One thousand seven hundred and fourteen (inserted in a Book intitled, *Taunton; An Account-Book of the Profits of the Town-Lands, One thousand six hundred and eighty-three*) although not allowed and signed by the Feoffees, be admitted to be read as Evidence.

3. *Sabbati*,

3. *Sabbati, 27 die Augusti, 1715.*

The House proceeded to the farther hearing of the Merits of the Election for the Borough of *Taunton*, and the Counsel on both Sides were called in; and the Counsel for the sitting Members proceeded to examine Witnesses to disqualify some of the Voters for the Petitioners upon account of their receiving Charity, particularly as to a Charity called *Saunders's Charity*, and the sitting Member's Counsel insisting to examine as to that Charity, being given in the Year One thousand seven hundred and thirteen, and the Petitioner's Counsel opposing their examining as to any Persons who had not received that Charity within a Year before the Election.

And a Motion being made, and the Question being put, that the Counsel for the sitting Members be admitted to give Evidence of Persons having received *Saunders's Charity* before the second of *February*, One thousand seven hundred and thirteen.

It passed in the Negative.

### *Thetford.*

1. *Mercurii, 17 die Junii, 1685.*

*Resolved*, That the Right of Election for the Borough of *Thetford* (in *Com. Norfolk*) is the Mayor, Burgesses (which are ten) in the Commonalty or Common Council (which are twenty) amounting in the whole to thirty-one.

2. *Sabbati, 3 die Maii, 1685.*

*Resolved*, That the Charter of the sixteenth of *Queen Elizabeth*, granted to the Borough of *Thetford*, is not duly nor legally surrendered.

3. *Jovis, 1 die Decembris, 1743.*

*Ordered*, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *Thetford*, in the County of *Norfolk*, in the Room of *Charles Fitzroy*, Esq; who, since his Election for the said Borough, hath accepted of the Office of Groom Porter within all his Majesty's Houses in *England* and elsewhere.

### **Totness.**

1. *Mercurii, 4 die Martii, 1695.*

*Resolved*, That the Persons made Free by the late King *James's* Charter, to the Borough of *Totness* (in *Com. Devon*) have no Right to vote in electing of Members to serve in Parliament for the said Borough, by Virtue of such Freedom.

2. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the said Borough of *Totness*, is in the Freemen not inhabiting, as well as in the Freemen inhabiting within the said Borough of *Totness*.

### **Treating.** See CAPACITY.

1. *Veneris, 26 die Januarii, 1699.*

*Resolved*, That *James Sloane*, Esq; in treating the Corporation of *Thetford* in the County of *Norfolk*, has been guilty of a Breach of the late Act of Parliament for preventing Expences in Elections.

2. Then the Question being put, that *James Sloane*, Esq; is duly elected a Burgess to serve in this present Parliament for the Borough of *Thetford* in the County of *Norfolk*.

It



It passed in the Negative.

3. *Resolved*, That the said Election is a void Election.

4. *Mr. Sloane was re-chosen, and Mr. Soame petitioned against him.*

5. *Sabbati, 2 die Martii, 1699.*

The House (according to Order) proceeded to take into Consideration the Act made in the seventh Year of his Majesty's Reign, for preventing Charge and Expence in Elections of Members to serve in Parliament.

And the Petition of *Edward Soame, Esq;* was read.

And the said Act was read.

And *Mr. Sloane* attending (according to Order) he was heard in his Place;

And then he withdrew.

And a Debate arising in the House upon the Construction of the said Act, upon *Mr. Sloane's* being again chosen and returned for the Borough of *Thetford*.

And the Question being put, that the said *Mr. Sloane* be capable of serving in this present Parliament for the said Borough;

It passed in the Negative.

6. *Sabbati, 21 die Novembris, 1702.*

*Resolved*, That the Agents of *Sir Isaac Rebow* have been guilty of treating and other corrupt Practices, in order to procure the said *Sir Isaac Rebow* to be elected a Burgess to serve in Parliament for the Borough of *Colchester*, in the County of *Essex*.

7. *Ordered*, That *John Weekly*, Agent for *Sir Isaac Rebow*, for his corrupt Practices in endeavouring to procure the said *Sir Isaac Rebow* to be elected a Burgess for the said Borough of *Colchester*, be taken into Custody.

**Truro.**

1. *Jovis, 22 die Decembris, 1743.*

*Ordered,* That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *Truro*, in the County of *Cornwall*, in the Room of the Honourable *Charles Hamilton*, Esq; who, since his Election for the said Borough, hath accepted the Office of Receiver-General and Collector of the Revenues in the Island of *Minorca*.

**Wallingford.**

1. *Jovis, 15 die Decembris, 1709.*

*Resolved,* That the Right of electing Burgesses to serve in Parliament, for the Borough of *Wallingford*, in the County of *Berks*, is in the Mayor, Aldermen, Bailiffs, and eighteen Assistants, together with the Inhabitants of the said Borough, paying Scot and Lot, and not receiving Alms or Charity.

**Wareham.**

19 *die Januarii, 1747.*

1. *Resolved,* That the Right of Election for the Borough of *Wareham*, in the County of *Dorset*, is only in the Mayor and Magistrates of the said Borough as pay Scot and Lot, and in the Freeholders of Lands or Tenements there, who have been *bona fide*, to their own Use, in the actual Occupation, or in the Receipt of the Rents and Profits of such Lands or Tenements, for the Space of one whole Year next before the Election, except the same

came to such Freeholders by Descent, Devise; Marriage, Marriage-Settlement, or Promotion to some Benefice in the Church.

### Warwick.

1. *Sabbati, 3 die Maii, 4 C. 1. 1628.*

*Resolved*, That the Right of Election for the Town of *Warwick*, is in the Commonalty of the said Town.

2. *Jovis, 31 die Januarii, 1722.*

*Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Warwick*, is in such Persons only as pay to Church and Poor in the said Borough.

### Wells.

1. *Martis, 18 die Februarii, 1695.*

*Resolved*, That the Right of electing Citizens to serve in Parliament for the City of *Wells*, in the County of *Somerset*, is only in the Mayor, Masters and Burgesses of the said City.

2. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the City of *Wells*, in the County of *Somerset*, is in the Mayor, Masters and Burgesses of the said City.

3. *Resolved*, That the By-Law made by the governing Part of the Corporation of *Wells* in One thousand seven hundred and twelve, pretending to inflict one hundred Pounds Penalty on the Mayor that nominates or makes any Burgesses without the Consent of the major Part of the Corporation, and fifty Pounds Penalty on any Burgess that takes the Oath appointed to be taken by the Burgesses, or that uses, claims, or challenges any Freedom or Privi-

lege of a Burgeſſ without ſuch Aſſent, is arbitrary and illegal.

4. *Resolved*, That the Right of Election of Citizens to ſerve in Parliament for the City of *Wells*, in the County of *Somerſet*, is in the Mayor, Maſters, and Burgeſſes of the ſaid City, and in ſuch Perſons as are (by Conſent of the Mayor and Common-Council of the ſaid City) admitted to their Freedom in any of the ſeven trading Companies of the ſaid City, on account of Birth, Servitude, or Marriage.

5. *Veneris, 18 die Aprilis, 1729.*

*Resolved*, That the Right of electing Citizens to ſerve in Parliament for the City of *Wells*, in the County of *Somerſet*, is in the Mayor, Maſters, Burgeſſes and Freedom of the ſaid City, who are admitted to their Freemen in any of the ſeven Companies within the ſaid City, being thereunto intituled by Birth, Servitude, or Marriage.

6. *Martis, 11 die Martii, 1734.*

The laſt Determination of the Houſe made the eighteenth Day of *April*, One thouſand ſeven hundred and twenty-nine, concerning the Right of Election of Citizens to ſerve in Parliament for the ſaid City of *Wells*, which is thereby reſolved to be in the Mayor, Maſters, Burgeſſes and Freemen of the ſaid City, who are admitted to their Freedom in any of the ſeven Companies within the ſaid City being thereunto intituled by Birth, Servitude, or Marriage, was read.

And the ſeveral Reſolutions of the Houſe made the thirtieth Day of *May*, One thouſand ſeven hundred and ſixteen, and the ſecond Day of *May*, One thouſand ſeven hundred and twenty-three, concerning



cerning the Right of Election of Citizens to serve in Parliament for the said City, was read.

And part of the Report from the Committee of Privileges and Elections, made the eleventh Day of *April*, One thousand seven hundred and seventeen, touching the Election for the said City, in Relation to the Evidence of *Richard Thomas*, was read.

*Resolved*, That the Counsel for the Petitioners be restrained from giving Evidence, That it is a necessary Qualification of a Burgefs of the City of *Wells*, that such Person previous to his being made a Burgefs was a Freeman of the said City, intituled to such Freedom by Birth, Servitude, or Marriage.

7. *Jovis*, 13 *die Martii*, 1737.

*On the same Election.*

A Book of the Company of Hammermen within the said City being delivered in, an Entry wherein was read.

And several Books of the several Companies of Taylors, Mercers, Inn-keepers, Stocking-makers, Butchers, and Cordwainers, within the said City, being delivered in, several Entries in the Book of the Company of Taylors, in Relation to the Admission of a Person to his Freedom, were read.

8. *Martis*, 18 *die Martii*, 1734.

*On the same Election.*

*Resolved*, That *John Joyce*, a Freeman of the City of *Wells*, be admitted to give Evidence as to the Right of the eldest Sons of Freemen there to be admitted to the Freedom of the said City.

9. *Jovis*,

9. *Jovis, 20 die Martii, 1734.*

An Entry in a Book of the Company of Merchants, N<sup>o</sup>. 1. was read, and a Witness was examined, in order to prove the Qualification of another Person.

10. And an Entry in a Book of the Company of Hammermen was read, and a Witness was received, in order to prove the Qualification of another Person.

11. And in order to qualify another Person named in the said List, as being the eldest Son of a Freeman of the said City, an Entry in a Book of the Company of Stocking-makers, was read.

12. N. B. *This Election was determined Martis, 25 die Martii, 1735, but there were at that Time no Resolutions which explain the Rights of Election for that City.*

### **Wendover.**

1. *Sabbati, 21 die Novembris, 1702.*

*Resolved*, That Persons coming by Certificate to live in the Borough of *Wendover*, have not thereby a Right to vote for the Election of Members to serve in Parliament for the said Borough.

### **Weobley.**

1. *Jovis, 3 die Martii, 1736.*

*Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Weobley*, in the County of *Hereford*, is in the Inhabitants of the ancient Vote-Houses of twenty shillings *per Annum* value and upwards, residing in the said Houses forty Days before the Day of Election, and  
paying

paying Scot and Lot, and also in the Owners of such ancient Vote-Houses paying Scot and Lot, who shall be resident in such Houses at the Time of the Election.

### **Westbury.**

1. *Martis, 1 die Decembris, 1702.*

*Resolved*, That the Tenants of Burgage-Houses, by Lease for Years absolute, have a Right to vote in the Election of Members to serve in Parliament for the Borough of *Westbury*, in the County of *Wilts.*

2. *Lunæ, 28 die Martii, 1715.*

The Clerk of the Crown (according to Order) attended with the Returns for the County of *Wilts.*

The Sheriff's Precept directed to the Mayor of the Borough of *Westbury* in the said County; the Receipt given by the said Mayor for the same; and the Return of *Willoughby Bertie* and *Francis Anesley*, Esqrs; by Indenture under the common Seal of the said Borough, signed by the Mayor; and also,

The Return of *George Evans* and *Charles Allanson*, Esqrs; by Indenture under the Hands and Seals of *John Turner*, Constable of the said Borough, and several other Burgeesses, were severally read.

*Ordered*, That the Clerk of the Crown do take off the File the said Indenture, by which Mr. *Evans* and Mr. *Allanson* are returned.

3. *Mercurii, 1 die Junii, 1715.*

*Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Westbury*, in the County of *Wilts*, is in every Tenant

nant of any Burgage-Tenement in Fee, for Life, or ninety-nine Years determinable on Lives, or by Copy of Court Roll, paying a Burgage Rent of Four-pence or Two-pence yearly, being Resident within the Borough, and not receiving Alms.

### Westminster.

1. *Lunæ, 15 die Novembris, 1680.*

*Resolved*, That the King's menial Servants, not having proper Houses of their own within the City of *Westminster*, have not Right to give Voices in the Election of Citizens to serve in Parliament for the said City.

2. *Martis, 15 die Decembris, 1741.*

The House proceeded to the Hearing of the Matter of the Petition of the several Burgeses and Inhabitants of the City and Liberty of *Westminster*, whose Names are thereunto subscribed in behalf of themselves, and several other Burgeses and Inhabitants of the said City and Liberty, complaining of an undue Election and Return for the said City,

And the Counsel were called in,

And the Counsel were directed to withdraw.

The Counsel were again called in,

And the said Petition was read.

And the last Determination of the House concerning the Right of electing Citizens to serve in Parliament for the said City, made the fifteenth Day of *November*, One thousand six hundred and eighty, (when the House resolved, that the King's menial Servants, not having proper Houses of their own within the City of *Westminster*, have not a Right to give Voices in the Election of Citizens to serve in Parliament for the said City) was also read.

3. *Martis,*



3. *Martis, 22 die Decembris, 1741.*

*Resolved*, That Mr. *John Lever*, High Bailiff of the City of *Westminster*, at the last Election of Citizens to serve in Parliament for the said City, acted at the said Election in an illegal and arbitrary Manner, in prejudice of the Rights of the Electors of the said City, and in manifest Violation of the Freedom of Elections.

*Ordered*, That the said Mr. *John Lever* be for his said Offence taken into the Custody of the Serjeant at Arms attending this House.

*Resolved*, That it appears to this House, that a Body of armed Soldiers, headed by Officers, did on *Friday* the eighth Day of *May*, last, come in a military Manner, and take Possession of the Churchyard of *St. Paul's, Covent Garden*, near the Place where the Poll (for the Election of Citizens to serve in this present Parliament for the City of *Westminster*) was taken, before the said Election was ended.

*Resolved*, That the presence of a regular Body of armed Soldiers, at an Election of Members to serve in Parliament, is an high Infringement of the Liberties of the Subject, a manifest Violation of the Freedom of Elections, and an open Defiance of the Laws and Constitution of this Kingdom.

*Ordered*, That *Nathaniel Blackerby*, Esq; do attend this House upon *Friday* the twenty-second Day of *January* next.

*Ordered*, That *George Howard*, Esq; do attend this House upon *Friday* the said twenty-second Day of *January*.

*Ordered*, That *Thomas Lediard*, Esq; do attend this House upon *Friday* the said twenty-second Day of *January*.

4. *Veneris,*

4. *Veneris, 22 die Januarii, 1741.*

Major General *Foliot* (attending according to order) was called in and examined, and produced a Letter received by him on the eighth Day of *May* last, signed with the Names of *Nathaniel Blackerby*, *George Howard*, and *T. Lediard*, and also another Letter, received by him the same Day, signed with the same Names, and the Names of Three other Persons.

And then he withdrew.

And several Witnesses having been examined, in order to prove the Hand-writing of *Nathaniel Blackerby*, *George Howard*, and *Thomas Lediard*, Esqrs;

And being withdrawn,

The said first mentioned Letter was read.

Then the said *Nathaniel Blackerby*, *George Howard*, and *Thomas Lediard*, Esqrs; (attending according to order) were called in, and having severally confessed that they signed the said Letter, and having expressed their concern for their Offence therein;

They withdrew, and the several Resolutions of the House of the twenty-second Day of *December* last, in relation to the Body of armed Soldiers, headed by Officers, coming on the said eighth Day of *May* last, in a Military Manner, and taking Possession of the Church-yard of *St. Paul, Covent Garden*, near the Place where the Poll (for the Election of Citizens to serve in this present Parliament for the City of *Westminster*) was taken, before the said Election was ended, being read,

Ordered, That the said *Nathaniel Blackerby*, *George Howard* and *Thomas Lediard*, having been called in, and at the Bar of this House confessed, that they did send for, and cause to come on *Friday*  
the

the eighth Day of *May* last, a Body of armed Soldiers, headed by Officers in a Military Manner, who did take Possession of the Church-yard of *St. Paul, Covent Garden*, near the Place where the Poll (for the Election of Citizens to serve in this present Parliament for the City of *Westminster*) was taken, before the said Election was ended, and the said *Nathaniel Blackerby, George Howard, and Thomas Lediard*, having acknowledged their Offence therein, do attend this House to-morrow Morning, in order to be brought to the Bar thereof, to be reprimanded on their Knees by *Mr. Speaker* for the said Offence.

5. *Sabbati, 23 die Januarii, 1741.*

*Nathaniel Blackerby, George Howard, and Thomas Lediard, Esqrs;* attending according to Order, were brought to the Bar, and upon their Knees reprimanded by *Mr. Speaker*, as the House had directed, and were ordered to be discharged, paying their Fees.

*Resolved*, That the Thanks of this House be given to *Mr. Speaker*, for the Speech by him made upon reprimanding the said *Nathaniel Blackerby, George Howard, and Thomas Lediard*, and that he be desired to print the same.

22 *die Januarii, 1749.*

6. Notice being taken, that no Return had yet been made for the Writ, for electing of a Citizen to serve in this present Parliament for the City of *Westminster*, in the Room of the Right Honourable *Grenville Leveson Gower, Esq;* commonly called Lord Viscount *Trentbam*, (who, since his Election for the said City, had accepted the Office of one of the Commissioners for executing the Office of Lord High Admiral of *Great Britain*) although the said  
Writ

Writ was ordered upon the sixteenth Day of *November* last, to be made out.

The Order made upon the sixteenth Day of *November* last, for Mr. *Speaker*, to issue his Warrant to the Clerk of the Crown for making out the said Writ, was read.

*Ordered*, That the Clerk of the Crown do attend this House to-morrow Morning, to give an account of the issuing of the said Writ.

*Ordered*, That Mr. *John Crawfure*, Pursuivant or Messenger extraordinary attending the Great Seal, do attend this House to-morrow Morning, to give an account of the sending of the said Writ to the Sheriff of the County of *Middlesex*.

*Ordered*, That the Under-sheriff of the County of *Middlesex*, do attend this House to-morrow Morning, to give an account of the issuing of a Precept to the High Bailiff of the City of *Westminster*, in pursuance of the said Writ.

*Ordered*, That the High Bailiff of the City of *Westminster*, do attend this House to-morrow Morning, to give an Account of the Execution of the said Precept.

23 die Februarii, 1749.

7. The Deputy-clerk of the Crown (attending according to Order) gave the House an Account of the issuing of the Writ for the electing of a Citizen to serve in Parliament for the City of *Westminster*, in the Room of the Right Honourable *Grenville Leveson Gower*, Esq; commonly called Lord Viscount *Trentbam*, (who, since his Election for the said City, had accepted the Office of one of the Commissioners for executing the Office of Lord High Admiral of *Great Britain*) which Writ was directed upon the sixteenth Day of *November* last, to be made out.

Mr.



Mr. *John Crawford*, Pursuivant, or Messenger extraordinary attending the Great Seal, attending according to order, was called in, and at the Bar examined, touching the sending of the said Writ to the Sheriff of *Middlesex*,

And then withdrew.

The Under-sheriff of the County of *Middlesex* attending according to order, was called in, and at the Bar examined, touching the issuing of a Precept in pursuance of the said Writ.

And then he withdrew.

The High Bailiff of the City of *Westminster* attending according to order, was called, and being examined at the Bar, acquainted the House that he is now in the Execution of the said Precept, that he had all along endeavoured to avoid all unnecessary Delay therein; and that, if some Delay has happened in the Scrutiny of the Poll (taken at the Election) which he is now proceeding upon, it has been such only as he did not think he had sufficient Power to prevent or remove.

And then he withdrew.

He was again called in,

And Mr. *Speaker* (by Direction of the House) recommended some Particulars of his Duty to him, and acquainted him, that if he met with any Thing to obstruct him therein, which he could not prevent, he should apply to the House upon it, and might be assured of the Support of the House in the Discharge of his Duty; and that the House expected he would take care in general to expedite the Election as much as possible.

Upon which he expressed his great readiness to conform himself to the Direction of the House, and said, that he would use his best Endeavours to expedite the Election, and hoped to perform his Duty in general, to the Satisfaction of the House.

And then he withdrew.

20 die Januarii, 1750.

8. A Petition of the several Burgeſſes and Inhabitants of the City and Liberty of *Westminster*, whose Names are thereunto subscribed, on behalf of themselves, and several other Burgeſſes and Inhabitants of the said City and Liberty, was presented to the House, and read, complaining of an undue Election and Return for the said City of *Westminster*.

*Ordered*, That the Matter of the said Petition be heard at the Bar of this House upon to-morrow Sevensight, the fifth Day of *February* next.

A Petition of Sir *George Vandeput*, Baronet, was also presented to the House, and read, complaining of an undue Election and Return for the City of *Westminster*.

*Ordered*, That the Matter of this Petition be heard at the Bar of this House, at the same Time that the Matter of the Petition of the several Burgeſſes and Inhabitants of the City and Liberty of *Westminster*, whose Names are thereunto subscribed on behalf of themselves, and several other Burgeſſes and Inhabitants of the said City and Liberty, is appointed to be heard.

The House was moved, That the Journal of the House of the twenty-second and twenty-third of *February* last, containing the Entry of the Proceedings of the House in relation to the Execution of the Writ which was ordered to be issued upon the sixteenth Day of *November*, One thousand seven hundred and forty-nine, for the electing of a Citizen to serve in this present Parliament, for the City of *Westminster*, in the Room of the Right Honourable *Granville Leveson Gower*, Esq; commonly called Lord Viscount *Trentham*, might be read ;

And the same being read accordingly,

*Ordered*;

*Ordered,* That *Peter Leigh*, Esq; High-bailiff of the City of *Westminster*, do attend this House immediately, in order to give the House an Account of what he did in pursuance of the Directions given to him by this House upon the twenty-third Day of *February* last, in relation to the Execution of the Precept, issued to him in pursuance of the said Writ.

*Peter Leigh*, Esq; High Bailiff of the City of *Westminster*, attending (according to order) was called in, and examined in relation to what he did in pursuance of the said Directions.

And having, in the Course of his Examination, alledged, that the said Election was protracted by an affected Delay,

He was directed to withdraw.

*Resolved,* That the High-bailiff of the City of *Westminster*, be again called in, and asked, by whom it was, that the said Election was protracted, and by what Means.

The High-bailiff of the City of *Westminster*, was again called in, and being asked, by whom it was that the said Election was protracted, and by what Means.

He named *Mr. Crowle*.

And having, in the Course of his further Examination, complained of ill Treatment offered to him by several Persons upon account of his Behaviour in relation to the said Election and Return.

He was again directed to withdraw.

He was again called in, and being required to name the Persons from whom he received the ill Treatment of which he had complained.

He named *Mr. Alexander Murray*, and *Mr. Gibson*.

And then he again withdrew.

*Ordered,* That *Richard Crowle*, Esq; do attend this House upon *Thursday* Morning next.



*Ordered*, That the honourable *Alexander Murray*, Esq; do attend this House upon *Thursday* Morning next.

*Ordered*, That — *Gibson*, Upholder in *Covent-Garden*, do attend this House upon *Thursday* Morning next.

*Ordered*, That the High-bailiff of the City of *Westminster*, do attend this House upon *Thursday* Morning next, to make good his Charge against the said several Persons by him named in the Complaint, which he has this Day made to the House, in regard to the Obstruction he met with in the Execution of his Office.

31 die Januarii, 1750.

9. The several Orders of the Day for the Attendance of *Richard Crowle*, Esq; the honourable *Alexander Murray*, Esq; — *Gibson*, Upholder in *Covent Garden*, and the High-bailiff of the City of *Westminster*, being read.

The High-bailiff of the City of *Westminster* was called in, and acquainted, that he might now proceed to make good his Charge against the several Persons by him named, to the House on *Monday* last.

And *Richard Crowle*, Esq; one of the said Persons, was called in.

And the High-bailiff proceeded to state his Charge against the said Mr. *Crowle*;

And Mr. *Crowle* was heard to the said Charge.

And the High-bailiff having been heard to what had been alledged by Mr. *Crowle*, they were both directed to withdraw.

*Resolved*, That the High-bailiff of the City *Westminster*, be again called in, and directed to produce his Evidence upon his Charge against *Richard Crowle*, Esq;

The



The High-bailiff and Mr. Crowle were again called in.

And the High-bailiff examined several Witnesses in support of the said Charge.

And Mr. Crowle was heard, and examined a Witness in answer to the said Charge.

And the High-bailiff was heard by way of Reply ;

And then they were directed to withdraw.

*Resolved*, That it appears to this House that Richard Crowle, Esq; during the late Scrutiny of the Poll, for the City of *Westminster*, after he had full Notice of the Orders of this House given to the High-bailiff of the said City to expedite the said Scrutiny, did wilfully and designedly protract the same; and when he was reminded of the said Orders by the High-bailiff, did publicly avow and declare he had done so, and did utter disrespectful Words in Contempt of the Authority of this House.

*Ordered*, That the said Mr. Crowle be now brought to the Bar of this House, and be upon his knees reprimanded by Mr. *Speaker*, and discharged, paying his Fees.

*Ordered*, That the further Consideration of the Charge made by the High-bailiff of the City of *Westminster*, be adjourned till to-morrow Morning.

1 die Februarii, 1750.

10. The House (according to Order) resumed the adjourned Consideration of the Charge made to the House upon *Monday* last by the High-bailiff of the City of *Westminster*.

And the High-bailiff was called in, and directed to proceed to make good the rest of his Charge ;

And then he was directed to withdraw.

He was again called in

And the honourable *Alexander Murray*, Esq; one of the Persons named in the said Charge, was also called in.

And the High-bailiff proceeded to state his Charge against the said Mr. *Murray*.

And Mr. *Murray* having been heard to the said Charge, and having denied the same, and desiring to make his Defence thereto by Counsel.

They were both directed to withdraw.

The House was moved, that Part of an Act made in the twentieth Year of his present Majesty's Reign, intituled, *An Act for allowing Persons impeached of High Treason, whereby any Corruption of Blood may be made, or for misprision of such Treason, to make their full Defence by Counsel*, might be read;

And the same was read accordingly.

Mr. *Murray* was again called in;

And being asked, whether his Counsel were ready to proceed, he acquainted the House that he had sent for them; that he was ready himself, but did not know, whether they would be ready to proceed this Day,

And then he was again directed to withdraw.

Ordered, That Mr. *Murray* be admitted to be heard at the Bar of this House by his Counsel, upon the Matter of the Charge made against him by the High-bailiff of the City of *Westminster*.

Ordered, That the High-bailiff of the City of *Westminster*, be admitted to be heard by Counsel, in support of the Charge, if he thinks fit.

Ordered, That the said Mr. *Murray* be taken into the Custody of the Serjeant at Arms attending this House; and that when he shall be in such Custody, the Serjeant at Arms attending this House do take such Bail for the said Mr. *Murray*, as shall be approved by Mr. *Speaker*, for the said Mr. *Murray's*

ray's Attendances upon this House, from Time to Time, as often as he shall be required thereunto.

*Ordered*, That the further Consideration of that Part of the said Charge, which relates to the said Mr. Murray, be adjourned till *Wednesday* Morning next.

*Ordered*, That the Charge made by the High-bailiff of the City of *Westminster*, against the said Mr. Murray, be by him put into Writing, and delivered to the Clerk of this House; and that a Copy of the said Charge be delivered to the said Mr. Murray.

The High-bailiff was again called in.

And *John Gibson*, another of the Persons named in the Charge made to the House upon *Monday* last, by the said High-bailiff, was also called in.

The High-bailiff proceeded to state his Charge against the said Mr. *Gibson*.

And Mr. *Gibson* having been heard to the said Charge, and having denied the same;

The High-bailiff examined several Witnesses in support of the former Part of the said Charge.

And having called another Witness,

The High-bailiff, Mr. *Gibson*, and the said Witnesses were directed to withdraw.

The High-bailiff and Mr. *Gibson* were again called in.

And the High-bailiff having acquainted the House, that he had called the said Witness in support of the latter Part of his said Charge.

The High-bailiff and Mr. *Gibson* were again directed to withdraw.

They were again called in,

And the High-bailiff was directed to confine himself to the former Part of the said Charge.

And he having acquainted the said House, that he had gone through his Evidence in support of that Part of the said Charge.

Mr. *Gibson* was heard, and examined several Witnesses in Answer to the said Charge.

And having referred to a Member of the House, as having been present at the Time mentioned in the Charge.

The said Member did in his Place inform the House of what he knew concerning the Matter of the said Charge.

And Mr. *Gibson* having gone through his Evidence, referring to a Member of the House, as having been present at the Time mentioned in the Charge.

The said Member did in his Place inform the House of what he knew concerning the Matter of the said Charge.

And then the High-bailiff and Mr. *Gibson* were directed to withdraw.

And several Members did in their Places inform the House of what they knew concerning the Matter of the said Charge.

The House was moved; that the Entry of the former Part of the said Charge by the High-bailiff against the said Mr. *Gibson*, might be read ;

And the same was read accordingly.

*Resolved*, That it appears to this House, that the said Mr. *John Gibson* is guilty of an high Contempt of the Authority and Privileges of this House, by reflecting on the Proceedings of this House, and of the Legislature.

*Ordered*, That the said *John Gibson* be, for his said Offence, committed Prisoner to his Majesty's Gaol of *Newgate*, and that Mr. *Speaker* do issue his Warrant accordingly.

4 die Februarii, 1750.

11. Mr. *Speaker* acquainted the House, that the Serjeant at Arms attending this House, had informed



formed him, that, in pursuance of the Order of this House of *Friday* last, he had taken into his Custody the Right Honourable *Alexander Murray*, Esq; and when in his Custody had taken Bail for the said Mr. *Murray*'s attendance upon this House, from time to time, as often as he should be required thereunto; and that the said Mr. *Murray* was now upon such Bail.

Mr. *Speaker* further acquainted the House, that the said Bail was such as had been approved of by him, as the said Order directed.

*Ordered*, That the said Mr. *Murray* do attend this House upon *Wednesday* Morning next.

*Ordered*, That the Order made upon *Monday* the twenty-eighth of *January* last, for hearing to-morrow Morning, at the Bar of this House, the Matter of the Petition of the several Burgeses and Inhabitants of the City and Liberty of *Westminster*, whose Names are thereunto subscribed on behalf of themselves, and several other Burgeses and Inhabitants of the said City and Liberty, complaining of an undue Election and Return for the City of *Westminster*, be now read;

And the same being read accordingly.

*Ordered*, That the said Order be discharged.

*Ordered*, That the Order made upon *Monday*, the twenty-eighth of *January* last, for hearing at the Bar of this House, the Matter of the Petition of Sir *George Vandeput*, Bart. complaining of an undue Election and Return for the City of *Westminster*, at the same Time, the Matter of the Petition of the several Burgeses and Inhabitants of the City and Liberty of *Westminster*, whose Names are thereunto subscribed, on behalf of themselves, and several other Burgeses and Inhabitants of the said City and Liberty, was appointed to be heard, be now read;

And the same being read accordingly.

*Ordered*,

*Ordered*, That the said Order be discharged.

*Ordered*, That the Matters of the said Petitions be heard at the Bar of this House, upon *Thursday* Morning next.

6 die Februarii, 1750.

12. The other Order of the Day being read,

The House resumed the adjourned Consideration of that Part of the Charge made to the House by the High-bailiff of the City of *Westminster*, which relates to the Honourable *Alexander Murray*, Esq;

And the High-bailiff and the Counsel for Mr. *Murray* were called in;

And the Charge of the High-bailiff against the said Mr. *Murray* was read.

The High-bailiff examined one Witness in support of the said Charge.

And then the High-bailiff, the Counsel, and the said Witnesses were directed to withdraw.

The High-bailiff and the Counsel were again called in.

And the High-bailiff examined several other Witnesses in support of the said Charge.

And having gone through his Evidence ;

The Counsel for Mr. *Murray* were heard, and examined several Witnesses in answer to the said Charge.

And the High-bailiff was heard by Way of Reply ;

And the said Mr. *Murray* was heard at the Bar ;

And then the High-bailiff, Mr. *Murray*, and the Counsel, were directed to withdraw.

*Resolved*, That it appears to this House, that the honourable *Alexander Murray*, Esq; on the fifteenth Day of *May* last, being the Day of Return of a Member to serve in Parliament for the City of

of *Westminster*, attended by a Mob, did, before the Return was made, come to the House of Mr. *Baldwin*, the Deputy High-bailiff of the said City, and then and there declared, in a menacing and insulting Manner, that he and a thousand more had sworn, that the High-bailiff should make his Return in the Middle of *Covent-Garden*, and not in the Portico; that he was a Fool he had not ordered the Iron Rails before the Portico to be cut down the Night before; that he had advised with Counsel, that if he had done it, and had not taken the Rails away, it would have been only a Trespass; and that for One hundred or One hundred and fifty Pounds, they might have been made good again; and that had it not been to humour some faint-hearted Fellows, it would have been done, or Words to that Effect; and that the said *Alexander Murray*, immediately after the Return was made, appeared in *Covent-Garden Church-yard*, while the returning Officer was in the Vestry, near the Place where the Return was made, at the Head of a Mob, who appeared to be on the Part of Sir *George Vandeput*, and did then utter Words exciting and inflaming the said Multitude, to assault and murder the returning Officer; and that afterwards, as the returning Officer was going away, the said *Alexander Murray*, persevering in his wicked Purposes, did, at the Head of the said Mob, again incite them to Acts of Violence, saying with Imprecations, *Will nobody knock the Dog down? Will nobody kill the Dog?* or Words to that Effect.

A Motion was made, and the Question being proposed, that the said *Alexander Murray*, for his said dangerous and seditious Practices, in Violation and Contempt of the Authority and Privileges of this House, and of the Freedom of Elections, be committed close Prisoner to his Majesty's Goal of *Newgate*,



The House was moved, that the Journal of the House of the Twenty-third of *February*, One thousand seven hundred and forty-one, in relation to the Proceedings of the House, for the Punishment of *William Middleton, Esq;* might be read;

And the same was read accordingly.

*Resolved*, That the said *Alexander Murray* be, for, his said dangerous and seditious Practices, in Violation and Contempt of the Authority and Privileges of this House, and of the Freedom of Elections, committed close Prisoner to his Majesty's Goal of *Newgate*, and Mr. Speaker do issue his Warrant accordingly.

*Resolved*, That the said *Alexander Murray* be now brought to the Bar of this House, to receive his Sentence there, upon his Knees.

He was brought in accordingly, and by Mr. Speaker directed to kneel.

And he having refused to be upon his Knees, as required by the said Resolution;

And being withdrawn,

*Resolved*, That it having been resolved by this House, that the said *Alexander Murray* should receive upon his Knees, at the Bar of this House, the said Sentence of this House against him; and he having in a most insolent audacious Manner, at the Bar of this House, absolutely refused to be upon his Knees, as required by the said Resolution, is guilty of a high and most dangerous Contempt of the Authority and Privilege of this House.

*Ordered*, That the said *Alexander Murray* be committed close Prisoner to his Majesty's Goal of *Newgate*, in order to his forth coming, to abide such Orders as shall be made by this House, in relation to the said Contempt.

*Ordered*, That the said *Alexander Murray* (while in the said Goal by Virtue of the said Order) be not allowed the Use of Pen, Ink, or Paper; and



that no Person be admitted to have access unto him, without the Leave of this House.

*Ordered*, That a Committee be appointed to consider, and report to the House, what Methods may be proper to be taken by the House, in relation to the said Contempt.

And a Committee was appointed accordingly, and they are to withdraw immediately into the Speaker's Chamber; and they have Power to send for Persons, Papers, and Records.

*Ordered*, That the said Committee have Power to sit, notwithstanding any Adjournment of the House.

8 die Februarii, 1750.

13. *Ordered*, That the Lord *Elibank* have leave to resort to his Brother the honourable *Alexander Murray*, Esq; now a Prisoner in his Majesty's Goal of *Newgate*, committed to the said Goal by an Order of this House.

The House being informed, that a Person from the Keeper of *Newgate* attended at the Door, he was called in, and at the Bar acquainted the House, that the said Mr. *Murray* lies ill, and desires that a Physician and an Apothecary may have Leave to resort to him; and that the Name of the Apothecary is *Cooke*, and the Name of the Physician he did not know, but had sent to enquire;

And then he withdrew.

The House being informed, that the Physician desired by the said Mr. *Murray*, to attend him, was Doctor *Lamond*;

*Ordered*, That the said Doctor *Lamond*, and the said Mr. *Cooke*, have leave to resort to the said Mr. *Murray* in the said Goal.

The House was moved, that the Order made upon Monday last, the Fourth Day of February, for hearing

hearing Yesterday at the Bar of this House, the Matters of the Petition of the several Burgesſes and Inhabitants of the City and Liberty of *Westminster*, whose Names are thereunto subscribed, on Behalf of themselves, and several other Burgesſes and Inhabitants of the said City and Liberty, and of the Petition of Sir *George Vandeput*, Bart. severally complaining of an undue Election and Return for the City of *Westminster*, might be read.

And the same being read accordingly.

*Ordered*, That the Matter of the said Petitions be heard at the Bar of this House upon *Tuesday* Morning next.

12 die Februarii, 1750.

14. *Ordered*, That the several Burgesſes and Inhabitants of the City and Liberty of *Westminster*, who petitioned this House on Behalf of themselves, and several other Burgesſes and Inhabitants of the City and Liberty, complaining of an undue Election and Return for the City of *Westminster*, be at Liberty to withdraw their Petition.

*Ordered*, That the Order made for hearing at the Bar of this House the Matter of the said Petition, be discharged.

*Ordered*, That Sir *George Vandeput*, Bart. be at Liberty to withdraw his Petition, complaining of an undue Election and Return for the said City.

*Ordered*, That the Order made for hearing at the Bar of this House the Matter of the said Petition be discharged.

14 die Februarii, 1750.

15. Sir *William Younge*, from the Committee who were appointed to consider, and report to the House, what Methods may be proper to be taken  
by

by the House, in relation to the Contempt of the Honourable *Alexander Murray*, Esq; who being in pursuance of a Resolution of this House, brought to the Bar of this House, to receive his Sentence there upon his Knees, and who being by Mr. Speaker directed to kneel, refused to be upon his Knees, as required by the said Resolution, acquainted the House, that the Committee have directed him to make a Report when the House will please to receive the same.

*Ordered*, That the Report be received upon *Monday Morning* next.

A Petition of *John Gibson*, now Prisoner in *Newgate*, was presented to the House and read, expressing his Sorrow for having incurred the Displeasure of the House, giving the strongest and most solemn Assurances of his never giving the least Offence for the future, and praying to be discharged from his Confinement.

*Ordered*, That the said *John Gibson*, committed Prisoner by this House to his Majesty's Goal of *Newgate*, on the First of this Instant *February*, be brought to the Bar of this House To-morrow Morning, in order to his being discharged; and that Mr. Speaker do issue his Warrant accordingly.

*15 die Februarii, 1750.*

16. *John Gibson* was (according to Order) brought to the Bar, where he, upon his Knees, received a Reprimand from Mr. Speaker, and was ordered to be discharged out of Custody, paying his Fees.

*25 die Februarii, 1750.*

17. The Orders of the Day, for the Attendance of Dr. *Lamond*, and Mr. *Cooke* the Apothecary, who were admitted to visit Mr. *Murray*, now a Prisoner  
in



in his Majesty's Goal of *Newgate*, committed to the said Goal by an Order of this House, being read.

Dr. *Lamond* was called in, and at the Bar gave an Account of the State of the Health of Mr. *Murray*, during the Time he had attended him in the said Goal;

And then he withdrew.

*Resolved*, That no Person, allowed by this House to resort to the said Mr. *Murray* in his Majesty's Goal of *Newgate*, have, without fresh Leave of this House, any further Access to the said Mr. *Murray*, while in the said Goal, by Virtue of an Order of this House, made upon the Sixth Day of this Instant *February*, except his Physician Dr. *Lamond*, and his Apothecary Mr. *Cooke*, and also the Nurse, who has been by this House, allowed to be with him in the said Prison.

2 die Aprilis, 1751.

18. The House being informed, that Dr. *Lamond*, who was admitted to resort to Mr. *Murray*, now a Prisoner in his Majesty's Goal of *Newgate*, committed to the said Goal by an Order of this House, was attending at the Door, and was desirous of giving the House some Information relating to the said Mr. *Murray*.

Dr. *Lamond* was called in, and at the Bar acquainted the House, that he had this Day attended the said Mr. *Murray*; that he apprehended him to have the Goal Distemper coming upon him, and that he left him so extremely ill, that, if he be not immediately removed from the Place of his present Confinement, there would be no possibility of saving him;

And then he withdrew.

*Ordered*, That the said Mr. *Murray*, committed by this House close Prisoner to his Majesty's Goal  
of



of *Newgate*, in order to his forth coming, to abide such Orders as should be made by this House, in relation to the high and most dangerous Contempt of the Authority and Privilege of this House, committed by the said Mr. *Murray*, upon *Wednesday* the Sixth Day of *February* last, be discharged from his said Confinement there, and delivered over into the Custody of the Serjeant at Arms attending this House, in order to his the said Mr. *Murray's* forth coming, to abide such Orders as shall be made by this House, in relation to the said Contempt, and that Mr. Speaker do issue his Warrants accordingly.

*Ordered*, That a Physician to be appointed by Mr. Speaker, do attend the said Mr. *Murray*, while in the said Custody of the Serjeant at Arms attending this House, in order to give Satisfaction to the House, from Time to Time, in relation to the State of the said Mr. *Murray's* Health, and that Mr. Speaker do issue his Writs accordingly.

*Ordered*, That no other Person be admitted to resort to the said Mr. *Murray*, while in the said Custody of the Serjeant at Arms attending this House, except such other Person or Persons as Mr. Speaker shall from Time to Time think fit to authorise by his Warrant so to do, upon proper Application to be made to Mr. Speaker for that Purpose, and that Mr. Speaker be impowered to issue his Warrants accordingly.

*Ordered*, That the said Mr. *Murray*, while in the said Custody of the Serjeant at Arms attending this House, be not allowed the Use of Pen, Ink, or Paper, otherwise than as Mr. Speaker shall from Time to Time think fit by his Warrant to authorise the same, and that Mr. Speaker be impowered to issue his Warrants accordingly.

3 die Aprilis, 1751.

19. Mr. Speaker informed the House, that the Deputy of the Serjeant at Arms attending this House, had something to communicate to the House, relating to the Execution of the Orders Yesterday made, for removing Mr. *Murray* from his Majesty's Goal of *Newgate*, into the Custody of the Serjeant at Arms;

And the said Deputy-serjeant being called upon, acquainted the House, that he did Yesterday communicate to the Keeper of the said Goal, Mr. Speaker's Warrant for removing the said Mr. *Murray*, and that being thereupon admitted to the said Mr. *Murray*, he, the said Deputy-serjeant, did acquaint him with the Orders of the House for his Removal; but that his Physician Dr. *Lamond* being present, and giving it as his Opinion, that it might be very improper to remove the said Mr. *Murray* that Night, and that it would be more adviseable to defer such Removal till the next Morning, he, the said Deputy-serjeant acquiesced therein, and accordingly did this Morning, together with Dr. *Lamond*, again attend the said Mr. *Murray*, and told him, that he, the said Deputy-serjeant, was ready to execute the said Warrants; but that the said Mr. *Murray* then said, that he thought such Removal would be of little or no Service to him; and that as the Application to the House was without his Knowledge, he chose, if it could be permitted, to remain where he was; and that he also requested the said Deputy-serjeant to inform the House, that he was extremely thankful for the Favour intended him; and that the said Dr. *Lamond* likewise thought, that as his Fever had left him sooner than he apprehended, it was the best Way not to remove him, as nothing but Air and Exercise could be of real Service to him.

And

And the said Deputy-serjeant being further examined, also acquainted the House, that he had found, from his Conversation with the said Mr. *Murray*, that he had been informed of the Steps which had been taken for the said Application to the House; and that the said Mr. *Murray* expressed great Uneasiness thereupon, and used some Words of Resentment towards one of his Relations, on Account of such Application being made; saying, *It was a mean Thing in him to apply to the House, without his, the said Mr. Murray's Consent.*

The House was moved, that the Minutes of the Information given by Dr. *Lamond* Yesterday at the Bar of this House, and of his Examination consequent thereupon, might be read;

And the same were read accordingly.

And the House being informed, that the said Dr. *Lamond* was attending at the Door, he was called in, and being examined at the Bar, gave the House an Account in what Condition he found the said Mr. *Murray* last Night, with his Reasons for thinking it improper to have Mr. *Murray* removed at that Time; and also acquainted the House, that the said Mr. *Murray* does not desire to be removed out of *Newgate*, unless he could have the Benefit of Air and Exercise, and was dissatisfied with the Application which had been made to this House; and that he, the said Doctor, does not now perceive any Symptoms of the said Mr. *Murray's* having the Goal Distemper, but thinks him much better than he was Yesterday, although far from being well;

And then he withdrew.

Ordered, That the Orders made Yesterday for removing the said Mr. *Murray* from his Majesty's Goal of *Newgate*, into the Custody of the Serjeant at Arms attending this House, and the several Or-



ders subsequent thereupon, relating to the said Mr. Murray, be revoked.

*Ordered*, That the said Mr. Murray do remain in the same Custody he was in, with the same Orders in relation to him as were subsisting Yesterday, before the same revoked Orders were made.

20 *dei Novembris*, 1751.

20. The House was moved, that the several Resolutions and Orders of the House relating to the Honourable *Alexander Murray*, Esq; made upon the Sixth Day of *February* last, and contained in the Journals of the House of the last Sessions of Parliament, might be read accordingly.

*A Motion being made, and the Question being proposed*, That the Honourable *Alexander Murray*, Esq; who, on the Sixth of *February*, last Session of Parliament, was for dangerous and seditious Practices, in violation and contempt of the Authority and Privileges of this House, and of the Freedom of Elections, ordered by this House to be committed close Prisoner to his Majesty's Goal of *Newgate*, and was also at the same Time ordered by this House, to be brought to the Bar thereof, to receive his said Sentence there upon his knees; and before the said Sentence by him received, did, by a high and most dangerous Contempt in him of the Authority and Privilege of this House, and by persisting in the same, avoid the Execution of the said Sentence, during the Remainder of the said Session of Parliament, be now committed close Prisoner to his Majesty's Goal of *Newgate*, for the said dangerous and seditious Practices, in violation and contempt of the Authority and Privileges of this House, and of the Freedom of Elections.

*A Motion was made, and the Question being put*, That the House do now adjourn;

It



It passed in the Negative.

*Then the Question being put*, That the honourable *Alexander Murray*, Esq; who, on the Sixth Day of *February*, in the last Session of Parliament, was, for dangerous and seditious Practices, in violation and contempt in him of the Authority and Privilege of this House, and by persisting in the same, avoid the Execution of the said Sentence, during the Remainder of the said Session of Parliament, be now committed close Prisoner to his Majesty's Goal of *Newgate*, for the said dangerous and seditious Practices, in violation and contempt of the Authority and Privileges of this House, and of the Freedom of Elections.

It was resolved in the Affirmative.

*Ordered*, That Mr. Speaker do issue his Warrants accordingly.

*Resolved*, That the said *Alexander Murray* do receive the said Sentence, for his now being committed close Prisoner to his Majesty's Goal of *Newgate*, at the Bar of this House upon his Knees.

*Ordered*, That the Serjeant at Arms attending this House, do take the said *Alexander Murray* into his Custody, in order to his being brought to the Bar of this House, to receive the said Sentence.

25 *dei Novembris*, 1751.

21. The Serjeant at Arms attending this House, being called upon to give an Account of what had been done in Execution of the Order of the House of *Wednesday* last, for taking into his Custody the honourable *Alexander Murray*, Esq; the Deputy of the said Serjeant at Arms, to whom the said Order was delivered, acquainted the House, that diligent search had been made after the said Mr. *Murray*, but that he could not be found.

*Resolved*, That an humble Address be presented to his Majesty, that he will be graciously pleased to issue his Royal Proclamation, for apprehending the said *Alexander Murray*, with a Promise of a Reward for the same.

*Ordered*, That the said Address be presented to Majesty by such Members of this House, as are of his Majesty's most Honourable Privy Council.

### **Weymouth and Melcombe Regis.**

*Jovis, 3 die Junii, 1714.*

1. *Mr. Medlicott*, (according to Order) reported, &c. the Election for the Borough of *Weymouth and Melcombe Regis*, in the County of *Dorset*, and the Resolutions of the Committee thereupon, &c. are as follow, viz.

*Resolved*, That it is the Opinion of this Committee, that those Persons who had no Right of voting in the Election of Members to serve in Parliament for the Borough of *Weymouth and Melcombe Regis*, in the County of *Dorset*, at *Lady-day*, One thousand seven hundred and ten, and not claiming by Purchase for a valuable Consideration, or by Will, or by Descent, since that Time, had a Right to vote in the last Election of Members to serve in Parliament for the said Borough.

2. *Resolved*, That it appearing to this Committee, that divers scandalous and illegal Practices have been lately carried on in the Borough of *Weymouth and Melcombe Regis*, in the County of *Dorset*, to multiply Votes in order to the last Election of Members to serve in Parliament, it is the Opinion of this Committee, that all such Persons whose Votes were not admitted at the Determination of the

the last contested Election in Parliament, for the said Borough, and who have not acquired a Right by Descent or Devise since that Time, had a Right of voting in the last Election of Members to serve in Parliament for the said Borough.

3. *Resolved*, That it is the Opinion of this Committee, that no Freeholders of the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorset*, made since the Election of Burgesses to serve in Parliament for the said Borough, in *April*, One thousand seven hundred and eleven, unless claiming by Devise or Descent, had any Right of voting in the last Election of Members to serve in Parliament for the said Borough.

4. *Resolved*, That it is the Opinion of this Committee, that all Conveyances to split and divide the Interest in any Houses or Lands in the Borough of *Weymouth* and *Melcombe Regis*, among several Persons, in order to multiply Voices at the Election of Members to serve in Parliament for the said Borough, are illegal and void.

*Here follow seven other Resolutions, who are, and who are not duly elected, &c. for, N.B. this Borough sends four Members, it having been two Boroughs formerly.*

The first and second Resolutions being severally read a second Time, were, upon the Question severally put thereupon, disagreed unto by the House.

The Rest of the said Resolutions being severally read a second Time, were, upon the Question severally put thereupon, agreed unto by the House.



**Whitchurch.**

1. *Martis, 21 die Decembris, 1708.*

*Resolved*, That the Right of electing Burgeses to serve in Parliament for the Borough of *Whitchurch*, in the County of *Southampton*, is in the Freeholders only of Lands or Tenements, in Right of themselves, or their Wives, not split since the Act of the seventh and eighth Years of the Reign of *King William*.

**Wilton.**

1. *Sabbati, 28 die Novembris, 1702.*

*Resolved*, That the Election of any Person to be a Burgess of *Wilton*, in the County of *Wilts*, who has not taken the Sacrament of the Lord's Supper, according to the Rights of the Church of *England*, within one Year before such Election, is a void Election.

**Winchelsea.**

1. *Jovis, 7 die Februarii, 1711.*

*Resolved*, That the Freemen of the Port of *Winchelsea*, are not obliged to qualify themselves by receiving the Sacrament according to the Corporation-Act.

**New-Windsor.**

1. *Jovis, 4 die Novembris, 1680.*

*Resolved*, That in the Borough of *New-Windsor*, those Inhabitants only who pay Scot and Lot, have  
Right



Right to vote in the Election of Burgesses to serve in Parliament for the said Borough.

2. *Sabbati, 17 die Maii, 1690.*

*Resolved, as the Opinion of the Committee, That the Right of electing Burgesses to serve in Parliament for the Borough of New-Windsor, is in the Mayor, Bailiffs, and select Number of Burgesses only.*

The Question being put, that the House do agree with the Committee in the said Resolution, It passed in the Negative.

3. *Sabbati, 5 die Aprilis, 1697.*

*Resolved, That the Mayor, Bailiffs, and Burgesses of New-Windsor, have not the Right of electing Members to serve in Parliament for the said Borough.*

4. *Resolved, That the Borough of New-Windsor hath a Right to send Burgesses to Parliament by Prescription.*

5. *Resolved, That all the Inhabitants of the said Borough have the Right of electing Members to serve in Parliament for the said Borough.*

6. *Jovis, 23 die Maii, 1737.*

*On a Hearing for New-Windsor.*

The standing Order made on the sixteenth of *January*, One thousand seven hundred and thirty-five, for restraining Counsel from offering Evidence touching the Legality of Votes contrary to the last Determination of the House of Commons, was read. And

7. The last Determination of the House concerning the Right of electing Burgesses to serve in Parliament

Parliament for the said Borough, made the fourth Day of *November*, One thousand six hundred and eighty, which was then resolved to be in those Inhabitants only who pay Scot and Lot, was also read.

**Witnesses.** See EVIDENCE.

1. *Mercurii*, 12 die *Martis*, 1700.

*Resolved*, That it appears that Mr. *Lawton* is guilty of tampering with Witnesses, and endeavouring to suppress the Evidence to be given concerning the corrupting the Electors for the said Borough (*Bramber* in *Sussex*.)

*Ordered into Custody for the said Offence.*

2. *Jovis*, 13 die *Martii*, 1700.

*Resolved*, That *Samuel Sheppard*, senior, Esq; is guilty of sending out of the way a Witness, and endeavouring to suppress the Evidence touching Matters under the Examination of this House.

3. *Jovis*, 28 die *Aprilis*, 1715.

At the further hearing the Merits of the Election for the Borough of *Shaftesbury*, in the County of *Dorset*, — the Counsel for the Petitioners proceeded to give Evidence touching the corrupting of Votes for the sitting Member; and also touching such Persons as had a Right to vote, but were refused to be admitted for the Petitioners.

After which the sitting Member's Counsel proceeded to call Witnesses, to justify the Voters objected against by the Petitioner's Counsel.

And *Edward Grimsted*, senior, being called in to prove the Qualification of *Richard Hayter* (who had been

been objected against by the Petitioner's Counsel) to vote at the said Election.

And the Petitioner's Counsel objecting against his being examined as a Witness, in regard that the said *Edward Grimsted* was charged, by the Petitioner's Evidence, with having endeavoured to corrupt some Persons to vote for the sitting Members, the Counsel on both sides were heard, touching the said Objection;

And then he withdrew.

*Resolved*, That the Counsel for the sitting Members be admitted to examine *Edward Grimsted*, senior, as to *Richard Hayter's* being qualified to vote at the late Election of Members to serve in Parliament for the Borough of *Shaftesbury*.

4. *Robert Brickle*, being called to prove the Qualification of *Abraham Buckland* (who had been objected against by the Petitioner's Counsel to vote at the said Election; and the said *Robert Brickle* being objected against by the Petitioner's Counsel, in regard that he had been charged by the Petitioner's Evidence with having endeavoured to suborn a Person to give false Evidence to this House; the Counsel, &c.

And a Motion being made, and the Question being put, that the Counsel for the sitting Members, be admitted to examine *Robert Brickle* as to *Abraham Buckland's* being qualified to vote at the late Election of Members to serve in Parliament for the Borough of *Shaftesbury*.

It passed in the Negative.

5. *Martis, 24 die Maii, 1715.*

The House (according to order) proceeded to the further hearing the Merits of the Election for the Borough of *Hertford*: And one *Thomas Webb* being offered to be examined as a Witness, the sitting

Member's



Member's Counsel objected against his being examined, for that he was charged by the sitting Member's Evidence to have endeavoured to procure a Vote for the Petitioners by Corruption, at the last Election, and had reflected on the Justice of this House.

*Resolved*, That the Petitioners Counsel be admitted to examine *Thomas Webb*, in relation to *John Bowles's* being an Inhabitant of the Borough of *Hertford*, at the Time of his being made Free.

6. *Jovis*, 2 die *Junii*, 1715.

The House proceeded to the further hearing the Merits of the Election for the Borough of *Newcastle Under-line*, and the Counsel, &c.

And one *Ralph Mare* being offered as a Witness to prove the distributing Wheat, and Money instead thereof, to the Burgesses,

The Petitioners Counsel objected against his being examined as a Witness, for that he was charged by the Petitioners Evidence with having confessed he had thirty Shillings to come up to be a Witness.

*Resolved*, That the sitting Member's Counsel be admitted to examine *Ralph Mare* as a Witness, touching Wheat being distributed at the Borough of *Newcastle Under-line*.

7. The Petitioner's Counsel replied, and called one *Samuel Lowe* to be examined as a Witness touching a Declaration made by the Petitioner *Mr. Offley*, before her late Majesty's Death, of his Intention to distribute Wheat, and the sitting Member's Council objected against his being examined as a Witness, he being charged by the sitting Member's Evidence to have distributed the said Wheat.

*Resolved*,



*Resolved*, That the Counsel for the Petitioners be admitted to examine *Samuel Lowe*, in relation to the Wheat distributed at the Borough of *Newcastle Under-line*.

### **Woodstock.**

1. *Martis*, 16 die *Martii*, 1713.

*Resolved*, That the Right of electing Members to serve in Parliament for the Borough of *New-Woodstock*, in the County of *Oxon*, is in the Mayor, Aldermen, and Freemen of the said Borough.

### **Wotton-Basset.**

1. *Jovis*, 2 die *Decembris*, 1742.

The House being informed that the Petition of *Nicholas Robinson*, Esq; complaining of an undue Election and Return for the Borough of *Wotton-Basset*, in the County of *Wilts*, presented to the House on *Tuesday* last, and referred to the Consideration of the Committee of Privileges and Elections, is not signed by the Petitioner.

*Ordered*, That it be an Instruction of the said Committee, that, before they proceed on the said Petition, they do examine into the Manner of signing the same, and make report thereof to the House.

2. *Veneris*, 10 die *Decembris*, 1742.

*Ordered*, That *Nicholas Robinson*, Esq; be at liberty to withdraw his Petition complaining of an undue Election and Return for the Borough of *Wotton-Basset*, in the County of *Wilts*.

*Ordered*, That the Committee of Privileges and Elections, be discharged from Proceeding upon the Matter of the said Petition.

*Ordered*,

*Ordered*, That the said Committee be discharged from examining into the Matter of signing the said Petition.

### **Worcester.**

11 *die Februarii*, 1747.

1. *Resolved*, That the Right of Election for the City of *Worcester*, is in the Citizens of the said City, not receiving Alms, and admitted to their Freedom by Birth or Servitude, or by Redemption, in order to Trade within the said City.

### **Yarmouth, in the Isle of WIGHT.**

1. *Jovis*, 11 *die Aprilis*, 1717.

*Resolved*, That the Bye-Law made the twenty-first of *September*, One thousand six hundred and seventy, by the Mayor and five chief Burgesses of *Yarmouth*, in the *Isle of Wight* (being the major Part of the chief Burgesses then existing) for electing free Burgesses, by the Mayor and five chief Burgesses, was a good Bye-Law.

### **York and Yorkshire.**

1. *Martis*, 9 *die Martii*, 1735.

*Resolved*, That Persons whose Freeholds lie within that Part of the County of the City of *York*, which is commonly called the *Aynsty*, have a Right to vote for Knights of the Shire for the County of *York*.

*The following Votes are not standing Orders, but of late Years have been voted at the beginning of every Session.*

1. *Ordered*, That a Committee of Privileges and Elections be appointed.

And a Committee was appointed accordingly.

And they are to meet upon this Day se'nnight, at five of the Clock in the Afternoon, in the Speaker's Chamber, and to sit every *Wednesday, Friday, and Monday*, in the Afternoon; and all that come are to have Voices; and they are to take into Consideration all such Matters as shall or may come in Question, touching Returns, Elections and Privileges, and to proceed upon Double Returns, in the first Place, and to report their Proceedings, with their Opinions thereupon, to the House, from time to time; and all Persons that will question any Returns, are to do it within fourteen Days next, and so within fourteen Days next after any new Return shall be brought in; and the Committee are to have power to send for Persons, Papers, and Records, for their Information; and all Members who are returned for two or more Places, are to make their Election by this Day three Weeks, for which of the Places they will serve, provided there be no Question upon the Return for that Place; and if any Thing shall come in Question, touching the Return, Election, or Matter of Privilege of any Member, he is to withdraw during the Time the Matter is in Debate, and that all Members returned upon Double Returns do withdraw till their Returns are determined.

2. *Resolved*, That no Peer of this Realm hath any Right to give his Vote in the Election of any Member to serve in Parliament.

3. *Resolved*, That when the House shall judge any Petition, touching Elections, to be frivolous  
and

and vexatious, the House will order Satisfaction to be made to the Person petitioned against.

4. *Resolved*, That if it shall appear that any Person hath procured himself to be elected or returned a Member of this House, or endeavoured so to be, by Bribery, or any other corrupt Practices, this House will proceed with the utmost severity against such Person.

5. *Resolved*, That if it shall appear that any Person hath been tampering with any Witness in respect of his Evidence to be given to this House, or any Committee thereof, or directly or indirectly hath endeavoured to deter or hinder any Person from appearing or giving Evidence, the same is declared to be a high Crime and Misdemeanor, and this House will proceed with the utmost Severity against such Offender.

6. *Resolved*, That if it shall appear that any Person hath given false Evidence in any Case before this House, or any Committee thereof, this House will proceed with the utmost severity against such Offender.



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# A P P E N D I X.

## No. I.

### *Warrant for issuing Parliamentary Writs.*

**G**EORGE the Third, by the Grace of God of Great Britain, &c. To our right trusty, and right well beloved *Charles Lord Camden*, Lord High Chancellor of our Kingdom of *Great Britain*, greeting, Whereas, we by the Advice of our Privy Council, for certain and urgent Causes concerning Us, the good Estate and Commonwealth of this our Realm, and of the Church of *England*, and for the good Order and Continuance of the same, have appointed and ordained a Parliament to be holden at our City of *Westminster*, the Day of                      next ensuing, in which Case diverse and sundry Writs are to be issued forth, under our Great Seal of *Great Britain*, as well for the Prelates, Bishops, and Nobility of this our Realm, as also for the Election of Knights, Citizens, and Burgesses of the several Counties, Cities,                      X                      and

and Boroughs, and Towns of the same, to be present at the said Parliament at the Day and Place aforesaid; whereupon We will, and command you forthwith, upon the Receipt hereof, and by Warrant of the same, to cause such, and so many Writs to be made, and sealed under our Great Seal, for the accomplishing of the same, as in like Cases hath been heretofore used and accustomed: and this Bill signed with our own Hand, shall be as well unto you, as to every such Clerk and Clerks as shall make and pass the same, a sufficient Warrant or Discharge in that behalf given.

N<sup>o</sup>. II.

*Writ of Summons.*

George the Third, by the Grace of God of Great Britain, &c. to his most noble Cousin, Hugh, Duke of Northumberland, &c. greeting, in as much as by the Advice and Consent of our Privy Council, We have ordained our Parliament to be held at our City of *Westminster*, on the       Day of next ensuing, by reason of some arduous and urgent Affairs concerning Us, the State, and Defence of our Kingdom of *Great Britain*, and Church of *England*, to have Conference and Treaty with you and the Prelates, Bishops, and Peers of our said Kingdom, We firmly injoin you, upon the Faith and Allegiance in which you are bound to Us, that taking into Consideration the Weightiness of the said Affairs, and the eminent Dangers, laying aside all Excuse, you be personally present on the said Day and Place, with Us, and the Prelates, Bishops, and Peers aforesaid, to treat and give your Advice on the said Affairs, and this you are in no wise to omit; as you love Us, our Honour and Safety, and the Defence of the aforesaid Kingdom.

dom and Church, and the Dispatch of the afore-  
said Affairs: Witness Ourselves at *Westminster*, the  
Day of                      in the Year of our Reign.

N<sup>o</sup>. III.

*The Form of the Oath of Allegiance appointed by stat.  
1 W. & M. ch. 1. sect. 6.*

I *A. B.* do sincerely promise and swear, that I  
will be faithful, and bear true Allegiance to their  
Majesties King *William* and Queen *Mary*.

So help me, God.

N<sup>o</sup>. IV.

*The Form of the Oath of Supremacy appointed by the  
same stat. sect. 7.*

I *A. B.* do swear, that I do from my heart abhor,  
detest and abjure, as impious and heretical, that  
damnable Doctrine and Position; *That Princes ex-  
communicated or deprived by the Pope; or any Autho-  
rity of the See of Rome, may be deposed or murdered  
by their Subjects, or any other whatsoever.* And I do  
declare that no foreign Prince, Person, Prelate,  
State, or Potentate, hath, or ought to have, any  
Jurisdiction, Power, Superiority, Pre-eminence,  
or Authority; Ecclesiastical or Spiritual, within  
this Realm.

So help me, God.

*The Form of the Declaration or Test, appointed by  
stat. 30 ch. 2. stat. 21 ch. 1. sect. 3.*

I *A. B.* do solemnly and sincerely, in the presence of *God*, profess, testify, and declare, That I do believe that in the Sacrament of the Lord's Supper, there is not any Transubstantiation of the Elements of Bread and Wine, into the Body and Blood of *Christ*, at or after the Consecration thereof by any Person whatsoever; and that the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of *Rome*, are superstitious and idolatrous; and I do solemnly, in the presence of *God*, profess, testify, and declare, that I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by *English* Protestants, without any Evasion, Equivocation, or mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope, or any other Authority or Person whatsoever, or without any hope of any such Dispensation from any Person or Authority whatsoever, or without thinking that I am or may be acquitted before *God* or Man, or absolved of this Declaration, or any Part thereof, although the Pope or any other Person or Persons, or Power whatsoever, should dispense with or annul the same, or declare that it was nul or void from the beginning.



N<sup>o</sup>. VI.

*The Form of the Declaration of Fidelity, appointed to be made and subscribed by Quakers, by stat. 8 Geo. 2. ch. 6. sect. 1.*

I *A. B.* do solemnly and sincerely promise and declare, That I will be true and faithful to King *George*, and do solemnly, sincerely, and truly profess, testify and declare, That I do from my Heart abhor, detest and renounce, as impious and heretical, that wicked Doctrine and Position, *That Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever.* And I do declare, that no foreign Prince, Person, Prelate, State, or Potentate, hath or ought to have, any Power, Jurisdiction, Superiority, Pre-eminence, or Authority, Ecclesiastical or Spiritual, within this Realm.

N<sup>o</sup>. VII.

*The Form of the Abjuration, as altered by stat. 1. Geo. stat. 2. ch. 13. sect. 1. to be taken after the Demise of the late Queen, and as the same is now to be taken.*

I *A. B.* do truly and sincerely acknowledge, profess, testify, and declare in my Conscience, before *God* and the World, That our Sovereign Lord King *George* is lawful and rightful King of this Realm, and all other his Majesty's Dominions and Countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe in my Conscience, that the Person pretended to be Prince of *Wales* during

the Life of the late K. *James*, and since his Decease, pretended to be, and taking upon himself the Stile and Title of King of *England*, by the Name of *James* the Third, or of *Scotland*, by the Name of *James* the Eighth, or the Stile and Title of King of *Great Britain*, hath not any Right or Title whatsoever to the Crown of this Realm, or any other the Dominions thereto belonging : And I do renounce, refuse and abjure any Allegiance or Obedience to him. And I do swear that I will bear Faith and true Allegiance to his Majesty King *George*, and him will defend to the utmost of my Power, against all traiterous Conspiracies and Attempts whatsoever, which shall be made against his Person, Crown, or Dignity. And I will do my utmost Endeavour to disclose and make known to his Majesty and his Successors, all Treasons and traiterous Conspiracies which I shall know to be against him, or any of them. And I do faithfully promise to the utmost of my Power, to support, maintain, and defend the Succession of the Crown against him the said *James*, and all other Persons whatsoever ; which Succession, by an Act, intitled, *An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject*, is and stands limited to the Princess *Sophia*, Electress and Dutchess Dowager of *Hanover*, and the Heirs of her Body, being Protestants : and all these Things I do plainly and sincerely acknowledge and swear, according to these express Words by me spoken, and according to the plain and common sense and understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever : and I do make this Recognition, Acknowledgement, Abjuration, Renunciation, and Promise, heartily, willingly, and truly, upon the true Faith of a Christian.

So help me God.

N<sup>o</sup>. VIII.

*The Form in which the Effect of the Abjuration Oath is to be taken by Quakers, appointed by Stat. 8. Geo. ch. 6. sect. 1.*

I *A. B.* do solemnly, sincerely, and truly acknowledge, profess, testify, and declare, That King *George* is lawful and rightful King of this Realm, and of all other his Dominions and Countries thereunto belonging: and I do solemnly and sincerely declare, That I do believe the Person pretending to be the Prince of *Wales*, during the Life of the late King *James*, and since his Decease, pretending to be, and taking upon himself the Stile and Title of King of *England*, by the Name of *James* the Third, or of *Scotland*, by the Name of *James* the Eighth, or the Stile and Title of King of *Great Britain*, hath not any Right or Title whatsoever to the Crown of this Realm, nor any other the Dominions thereunto belonging: and I do renounce and refuse any Allegiance or Obedience to him: and I do solemnly promise, that I will be true and faithful, and bear true Allegiance to King *George*, and to him will be faithful against all traiterous Conspiracies and Attempts whatsoever, which shall be made against his Person, Crown or Dignity: and I will do my best endeavour to disclose and make known to King *George*, and his Successors, all Treasons and traiterous Conspiracies which I shall know to be against him or any of them: and I will be true and faithful to the Succession of the Crown against him the said *James*, and all other Persons whatsoever, as the same is and stands settled by an Act, intituled, *An Act declaring the Rights and Liberties of the Subjects, and settling the Succession of the Crown to the late Queen Anne*,



*Anne*, and the Heirs of her Body, being Protestants; and as the same, by one other Act, intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is, and stands settled and intailed, after the Decease of the said late Queen, and for Default of Issue to the said late Queen, to the late Princess *Sophia*, Electress and Dutches Dowager of *Hanover*, and the Heirs of her Body, being Protestants: and all these Things I do plainly and sincerely acknowledge, promise, and declare, according to these express Words by me spoken, and according to the plain and common Sense and understanding of the same Words, without any Equivocation, mental Evasion or secret Reservation whatsoever: and I do make this Recognition, Acknowledgment, Renunciation, and Promise, heartily, willingly and truly.

N<sup>o</sup>. IX.

*The Form appointed by stat. 8 Geo. ch. 6. sect. 1. in which the Effect of the Freeholder's Oath is to be administered to Quakers.*

I *A. B.* do solemnly, sincerely, and truly, declare and affirm.

N<sup>o</sup>. X.

*The Liverymens Oath appointed by 11 Geo. ch. 18. sect. 1.*

You do swear that you are a Freeman of *London*, and a Liveryman of the Company of \_\_\_\_\_ and so have been for the Space of twelve Calendar Months; and that the Place of your Abode is at \_\_\_\_\_ in \_\_\_\_\_ and that you have not polled at this Election:

So help you, God,



N<sup>o</sup>. XI.

*The Elector's Oath to be taken by 2 Geo. 2. ch. 24. sect. 1.*

I A. B. do swear (or, being one of the People called Quakers, I A. B. do solemnly affirm) I have not received, or had by myself, or any Person whatsoever in trust for me, or for my Use and Benefit, directly or indirectly, any Sum or Sums of Money, Office, Place or Employment, Gift or Reward, or any Promise or Security for any Money, Office, Employment or Gift, in order to give my Vote at this Election; and that I have not before been polled at this Election.

N<sup>o</sup>. XII.

*The Freeholders Oath, appointed by 18 Geo. 2. ch. 18. sect. 1.*

You shall swear, (or being one of the People called Quakers, you shall solemnly affirm) That you are a Freeholder in the County of \_\_\_\_\_ and have a Freehold-estate, consisting of \_\_\_\_\_ (specifying the Nature of such Freehold-estate; whether Messuage, Land, Rent, Tythe, or what else; and if such Freehold-estate consists in Messuages, Lands, or Tythes, then specifying in whose Occupation the same are; and if in Rents, then specifying the Names of the Owners or Possessors of the Lands or Tenements, out of which such Rent is issuing, or of some or one of them) lying or being at \_\_\_\_\_ in the County of \_\_\_\_\_ of the clear yearly Value of forty Shillings, over and

and above all Rents and \* Charges payable out of, or in respect of the same; and that you have been in the actual Possession or Receipt of the Rents and Profits thereof, for your own Use, above twelve Kalendar Months, or that the same came to you within the Time aforesaid, by Descent, Marriage, Marriage-settlement, Devise, or Promotion to a Benefice in a Church, or by Promotion to an Office; and that such Freehold-estate has not been granted or made to you fraudulently, on purpose to qualify you to give your Vote; and that the Place of your Abode is at \_\_\_\_\_ in \_\_\_\_\_ and that you are twenty-one Years of Age, as you believe; and that you have not been polled before at this Election.

### NO. XIII.

*The Freeholders Oath for Cities and Towns, appointed by 19 Geo. 2. ch. 28. sect. 1.*

You shall swear, (*or being a Quaker, you shall solemnly affirm*) that you have a Freehold-estate, consisting of \_\_\_\_\_ (*specifying the Nature of such Freehold-estate, whether Messuage, Land, Rent, Tythe, or what else; and if such Freehold-estate, consists in Messuages, Lands, or Tythes, then specifying in whose Occupation the same are; and if Rent, then specifying the Names of the Owners or Possessors of the Lands or Tenements, out of which such Rent is issuing, or of some or one of them*) lying or being in the City and County, or Town and County (*as the*

\* No public or parliamentary Tax, Church or Parish Rate, or any other Tax to be assessed upon any County or Division, shall be deemed any Charge payable out of any Freehold-estate within the Meaning of this Oath or Affirmation. Id. sect. 6.

*same*

*same may be*) of *the clear yearly*  
 Value of forty Shillings, over and above all Rents  
 and Charges payable out of, or in respect of the  
 same; and that you have been in the actual Pos-  
 session or Receipt of the Rents and Profits thereof,  
 for your own Use, above twelve Kalendar Months;  
 or that the same came to you within the Time  
 aforesaid, by Descent, Marriage, Marriage-settle-  
 ment, Devise, or Promotion to a Benefice in a  
 Church, or by Promotion to an Office; and that  
 such Freehold-estate has not been granted or made  
 to you fraudulently, on Purpose to qualify you to  
 give your Vote; and that the Place of your Abode  
 is at \_\_\_\_\_ in \_\_\_\_\_ and  
 that you are twenty-one Years of Age, as you be-  
 lieve; and that you have not been polled before at  
 this Election.

#### Nº. XIV.

*Writ for new Election of one Citizen for the City of*  
*Westminster.*

George the Third, by the Grace of God, of Great  
 Britain, France, and Ireland, King, Defender of the  
 Faith, &c. To our Sheriff of the County of M.  
 greeting: Whereas Sir P. W. Knight, of the most  
 Honourable Order of the Bath, was lately chosen  
 one of the Citizens for the City of W. in your  
 County, for our present Parliament, summoned  
 to be holden at our City of W. the

Day of \_\_\_\_\_ in the \_\_\_\_\_ Year of  
 our Reign, and from thence by our several Writs  
 prorogued to and until the \_\_\_\_\_ Day of

\_\_\_\_\_ in the same Year, on which Day  
 our said Parliament was begun and held, and from  
 thence by several Adjournments and Prorogations,

was



was adjourned and prorogued unto the \_\_\_\_\_ Day of \_\_\_\_\_ and there now holden: And whereas the said Sir *P. W.* being so chosen a Citizen for the said City as aforesaid, is since dead, as by a Letter of our right trusty and well-beloved counsellor Sir *J. C.* Baronet, Speaker of our lower House of Parliament, more fully and plainly appears, by Means whereof our Subjects of the said City are deprived of one Citizen to treat for the Benefit of the same City in our said Parliament; Nevertheless, We being unwilling that the Commonalty of our Kingdom in our said Parliament assembled, to treat of Business concerning Us, the State, and Defence of our Kingdom and the Church, from the aforesaid Cause should be diminished or lessened, whereby those Affairs may not have a due End, We command you, that in the Place of Sir *P. W.* within the City aforesaid, one other fit and discreet Citizen of the aforesaid City (Proclamation being first made of the Premises, and of the Day and Place) freely and indifferently, by those who shall be present at the Proclamation, according to the Form of the Statute in that Case made and provided, you cause to be elected, and the Name of such Citizen (whether at the said Election he shall be present or absent) to be inserted in certain Indentures to be thereupon made between you and them, who shall be present at such Election, and to cause him to come to the said Parliament, so that the same Citizen so to be elected, may have full Power and sufficient Authority, for himself and the Commonalty of the aforesaid City, to do and consent to those Things which in our Parliament aforesaid, by the Common-council of our Realm, (by the Blessing of God) shall happen to be ordained upon the aforesaid Affairs; willing, nevertheless, that neither you nor any other Sheriff in this our Kingdom in anywise be elected,

and



and the Election so made, distinctly and openly under your Seal, and the Seals of them who shall be present at such Election, certify unto us in our Chancery forthwith, remitting to Us one Part of the aforesaid Indentures annexed to these Presents, together with this Writ. Witness ourself at *Westminster*, the      Day of      in the      Year of our Reign.

*Yorke and Yorke.*

Wrote upon the Label to the said Writ as following, viz:

To the Sheriff of the County of *M.* A Writ  
for a new Election of one Citizen for the City of *W.*

*Yorke and Yorke.*

The Execution of this Writ in certain Schedules  
hereunto annexed.

Sir C. A. Knight,  
and  
Sir R. G. Knight, } Sheriff.

Nº. XV.

*Precept from Sheriff of M. to the Bailiff of W. for  
the Election of one Citizen for the said City.*

*Middlesex*, Sir C. A. Knight, and Sir R. G. Knight, Sheriffs of the said County, to the Bailiff of the Liberty of the Dean and Chapter of the collegiate Church of St. Peter, at W. in the said County, greeting. Know that I have received a certain Writ of our Lord the King to me directed, the Tenor whereof followeth, [here follows the Writ

Writ verbatim] and because the Execution of the said Writ belongs to you, therefore by virtue of the said Writ, I require you, that you forthwith cause a Citizen to be elected for the said City in the Place of the said Sir *P. W.* according to the Command of the said Writ; and how this my Warrant shall be executed you shall make known to me immediately after the said Election made, so that I may certify the same, together with the said Writ, and this Precept return to our Lord the King in his Chancery forthwith. Hereof fail not: This is your Warrant. Given under the Seal of my Office, dated the            Day of  
One thousand seven hundred and

*C. A.* }  
and } Sheriff.  
*R. G.* }

The Execution of this Precept appears in a certain Schedule here under annexed.

*J. C.* Esq; Bailiff.

N<sup>o</sup>. XVI.

*The Indenture of Election.*

This *Indenture* made in the Liberty of *W.* in the County of *M.* the            Day of  
in the            Year of the Reign, &c. Between  
Sir *C. A.* Knight, and Sir *R. G.* Knight, Sheriff of the County of *M.* aforesaid, of the one Part, and  
*J. C.* Esq; Bailiff of the Liberty of the Dean and Chapter of the Colledge Church of Saint *Peter's W.* in the County aforesaid, Sir *J. C.* Baronet, Sir  
*R. G.* Baronet, Sir *C. D.* Knight of the most honourable

honourable Order of the Bath, the Hon. *W. L. G. S.* *F. R.* Baronet, the Right Hon. *F. H.* commonly called Lord Viscount *D. F. F.* and *N. H.* Esqs; *F. F.* Esq; Sir *W. I.* Baronet, *C. B.* Esq; *J. G.* Esq; and many other Citizens, Burgeses and Inhabitants of the City, Town and Borough of *W.* of the other Part, *witnesseth*, That by Virtue of a certain Precept directed from the said Sheriff to the Bailiff, and sewed to this Indenture, (Proclamation of the Premises in said Precept first mentioned, and of the Day and Place, as in the said Precept is directed, first being made) the Citizens who were present at the said Proclamation, have freely and indifferently, according to the Form of the Statute in that Case made and provided, and according to the Tenor and Effect of the aforesaid Precept, and of the Writ in the said Precept recited, chosen one Citizen of the most discreet and sufficient of the City and Liberty aforesaid (that is to say) the honourable *E. C.* Esq; to which said *E. C.* so elected, the aforesaid Citizens have given and granted full and sufficient Power for themselves and the Commonalty of the City, Town, Borough, and Liberty aforesaid, to do and consent to those Things, which at the said Parliament by the Common Council of the said Kingdom (with God's Assistance) shall happen to be ordained upon the Affairs in the said Precept specified, according to the Form and Effect of the said Precept. In witness whereof, as well the said Sheriff as the aforesaid Bailiff, Citizens, Burgeses and Inhabitants of the City, Town, Borough and Liberty aforesaid, to these Indentures their Seals have interchangeably put, the Day and Year first above-mentioned.



N<sup>o</sup>. XVII.

*The Form of the Candidates Oath to be taken (if required) by stat. 9. An. ch. 5. sect. 5.*

I *A. B.* do swear, That I truly, and *bona fide*, have such an Estate in Law or Equity, to and for my own Use and Benefit, of or in Lands, Tenements, or Hereditaments, (over and above what will satisfy and clear all Incumbrances that may affect the same) of the annual Value of Six hundred Pounds, above reprises, as doth qualify me to be elected and returned to serve as a Member for the County of \_\_\_\_\_ according to the Tenor and true Meaning of the Act of Parliament in that Behalf; and that my said Lands, Tenements or Hereditaments, are lying or being within the Parish, Township, or Precinct of \_\_\_\_\_ or in the several Parishes, Townships, or Precincts of \_\_\_\_\_ in the County of \_\_\_\_\_ or in the several Counties of \_\_\_\_\_ (as the Case may be.)

The like Oath (*mutatis mutandis*) as to the Value of Three hundred Pounds, to be taken by Candidates for a City, Borough, &c.

N<sup>o</sup>. XVIII.

*Oath of the Members, appointed to be taken by 33 Geo. 2. ch. 20. sect. 1.*

I *A. B.* do swear, That I truly, and *bona fide*, have such an Estate in Law or Equity, and of such Value, and to and for my own Use and Benefit, of or in Lands, Tenements, or Hereditaments, over and above what will satisfy and clear all Incumbrances



cumbrances that may affect the same, as doth qualify me to be elected and returned to serve as Member for the Place I am returned for, according to the Tenor and true Meaning of the Acts of Parliament in that Behalf; and that such Lands, Tenements or Hereditaments, do lie as described in the Paper or Account signed by me, and now delivered to the Clerk of the House of Commons.

So help me, God.

### N<sup>o</sup>. XIX.

*Account to be signed by every Member, by stat. 33.  
Geo. 2. ch. 20.*

I *A. B.* of \_\_\_\_\_ am really and *bona fide* seized of an Annuity or Rent Charge, for my own Use and Benefit, of the clear yearly Value of forty Shillings, above all Rents and Charges payable out of the same, wholly issuing out of Freehold Lands, Tenements or Hereditaments, belonging to *C. D.* of \_\_\_\_\_ situate lying, and being in the Parish, Township or Place, or in the Parishes, Townships or Places of *E.* in the County of \_\_\_\_\_ without any Trust, Agreement, Matter or Thing, to the contrary notwithstanding; and *I*, or the Person or Persons under whom *I* claim, was or were seized of the said Annuity or Rent Charge, before the first Day of *June*, One thousand seven hundred and sixty-three.

By the KING,

## A P R O C L A M A T I O N \*.

GEORGE R.

Whereas *James* Earl of *Moray*, and *John* Earl of *Hyndford*, were duly elected and returned to be two of the sixteen Peers of *Scotland*, to sit in the House Peers, in the present Parliament of *Great Britain*, are since deceased; in order to the electing two other Peers of *Scotland*, to sit in their Room, We do, by the Advice of our Privy Council, issue forth this Proclamation, strictly charging and commanding all the Peers of *Scotland*, to assemble and meet at *Holy-rood-house* in *Edinburgh*, on *Thursday* the first Day of *October* next, between the Hours of twelve and two in the Afternoon, to nominate and choose two other Peers of *Scotland*, to sit and vote in the House of Peers of this present Parliament of *Great Britain*, in the Room of the said *James* Earl of *Moray*, and *John* Earl of *Hyndford*, deceased, by open Election and Plurality of Voices of the Peers that shall then be present, and of the Proxies, of such as shall be absent, (such Proxies being Peers) and producing a Mandate in writing duly signed before Witnesses, and both Constituent and Proxy being qualified according to Law. And the Lord Clerk Register, or such two of the Principle Clerks of the Session as shall be appointed by him to officiate in his Name, are hereby respectively required to attend such Meeting, and to administer the Oaths required by Law to be taken

\* This *mutatis mutandis* will do for the Proclamation on the Call of a new Parliament.

there by the said Peers, and to take their Votes, and immediately after such Election made, and duly examined, to certify the Names of the Peers so elected, and sign and attest the same in the Presence of the said Peers the Electors; and to return such Certificate into our High Court of *Chancery* of *Great Britain*. And We do strictly charge and command, that this Proclamation be duly published at the Market Cross of *Edinburgh*, and in all the County Towns in *Scotland*, twenty-five Days at least before the Time hereby appointed for the Meeting of the said Peers, to proceed on such Election.

Given at our Court at *St. James's*, the fifth Day of *August*, One thousand seven hundred and sixty-seven, in the seventh Year of our Reign.

God save the KING.

N<sup>o</sup>. XXI.

*The Formula appointed by Act of Parliament, made 8 and 9 Sess. W. 3. in Scotland.*

I *A. B.* do sincerely from my Heart profess and declare before God, who searcheth the Heart, that I do deny, disown, and abhor these Tenets and Doctrines of the Papal Romish Church, *viz.* the Supremacy of the Pope and Bishop of *Rome*, over all Pastors of the Catholic Church, his Power and Authority over Kings, Princes, and States, and the Infalibility that he pretends to, either without or with a General Council, his Power of Dispensing and Pardoning, the Doctrine of Transubstantiation, and the Corporal Presence, with the Communion without the Cup in the Sacrament of the

Lord's Supper, the Adoration and Sacrifice professed and practised by the Popish Church in the Mass, the Invocation of Angels and Saints, the Worshipping of Images, Crosses, and Relicks, the Doctrine of Supererrogation, Indulgences, and Purgatory, and the Service and Worship in an unknown Tongue: All which Tenets and Doctrines of the said Church, I believe to be contrary to, and inconsistent with, the written Word of God; and I do from my Heart deny, disown, and disclaim, the said Doctrines and Tenets of the Church of *Rome*, as in the Presence of God, without any Equivocation or mental Reservation, but according to the known and plain Meaning of the Words, as to me offered and proposed.

So help me, God.

## Nº. XXII.

*The Freeholders Oath in Scotland, appointed by 7 Geo. 2. ch. 16. sect. 2.*

I *A. B.* do in the Presence of God declare and swear, that the Lands and Estate of  
for which I claim a Right to vote in the Election of a Member to serve in Parliament for this County or Stewartry, is actually in my Possession, and do really and truly belong to me, and is my own proper Estate, and is not conveyed to me in Trust, or for or in Behalf of any other Person whatsoever; and that neither I, nor any Person to my Knowledge, in my Name, or on my Account, or by my Allowance, hath given, or intends to give, any Promise, Obligation, Bond, Back-bond, or other Security whatsoever, other than appears from the Tenor and Contents of the Title, upon which I  
now



now claim a Right to vote, directly or indirectly, for re-disposing or re-conveying the said Lands and Estate in any manner of Way whatsoever, or for making the Rents or Profits thereof forth coming, to the Use or Benefit of the Person from whom I have acquired the said Estate, or any other Person whatsoever; and that my Title to the said Lands and Estate, is not nominal or fictitious, created or reserved in me, in order to enable me to vote for a Member to serve in Parliament; but that the same is a true and real Estate in me, for my own Use and Benefit, and for the Use of no other Person whatsoever; and that it is the Truth as I shall answer to God.

### Nº. XXIII.

*The Oath of the Electors for Towns in Scotland, appointed by 16 Geo. 2. ch. 11. sect. 34.*

I *A. B.* do solemnly swear, that I have not directly or indirectly, by way of Loan, or other Device whatsoever, received any Sum or Sums of Money, Office, Place, Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promise of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatsoever, either by myself or any other, to my Use or Benefit, or Advantage, or to the Use, Benefit, or Advantage of the City or Borough of which I am Magistrate, Counsellor, or Burgess, in order to give my Vote at the Election.

So help me, God.

## Nº. XXIV.

*The Common-clerk's Oath in Scotland, appointed by*  
16 Geo. ch. 11. sect. 35.

I *A. B.* do solemnly swear, That I have not directly or indirectly, by way of Loan or other Device whatsoever, received any Sum or Sums of Money, Office, Place, Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promise, of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatsoever, either by myself or any other, to my Use, or Benefit, or Advantage, to make out any Commission for a Commissioner for choosing a Burgefs; and that I will duly make out a Commission to the Commissioner who shall be chosen by the Majority of the Town-council assembled, and to no other Person.

So help me, God.

## Nº. XXV.

*Oath of the Clerk of the presiding Borough in Scotland, appointed by* 16 Geo. 2. ch. 11. sect. 35.

I *A. B.* do solemnly swear, That I have not directly or indirectly, by way of Loan or other Device whatsoever, received any Sum or Sums of Money, Office, Place, Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promise of any Sum or Sums of Money, Office, Place, Employment, or Gratuity, whatsoever, either by myself, or any other to my Use, Benefit, or Advantage, to make any Return at this Election of a Member to serve in Parliament; and that I will return to the Sheriff or Steward, the Person elected by

by the major Part of the Commissioners assembled, whose Commissions are authenticated by the Subscription of the Common-clerk, and common Seal of the respective Boroughs of this District.

So help me, God.

N<sup>o</sup>. XXVI.

*Oath of the Clerk at Elections for Counties in Scotland, appointed by 16 Geo. 2. ch. 11. sect. 37.*

I *A. B.* do solemnly swear, that I have not directly or indirectly, by way of Loan or other Device whatsoever, received any Sum or Sums of Money, Office, Place, or Employment, Gratuity or Reward, or any Bond, Bill, or Note, or any Promise of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatsoever, by myself, or any other to my Use, Benefit, or Advantage, to take any Return at the present Election of a Member to serve in Parliament; and that I will return to the Sheriff or Steward the Person elected by the Majority of the Freeholders upon the Roll made up at this Election, and who shall be present and vote at this Meeting.

So help me, God.

N<sup>o</sup>. XXVII.

*The \* Oath of the returning Officer, required to be taken by 2 Geo. 2. c. 24. sect. 3.*

I *A. B.* do solemnly swear, that I have not, directly or indirectly, received any Sum or Sums of

\* Repealed so far as it relates to the returning Officer in Scotland, 16 Geo. 2. c. 11. sect. 38.

Money, Office, Place or Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promise or Gratuity whatsoever, either by myself, or any other Person to my Use, Benefit, or Advantage, for making any Return at the present Election of Members to serve in Parliament; and that I will return: Such Person or Persons as shall, to the best of my Judgment, appear to me to have the Majority of legal Votes,

N<sup>o</sup>. XXVIII.

*The Certificate to be entered on Oath by Freeholders, &c. with the Clerk of the Peace in pursuance of stat. 3 Geo. 3. ch. 24. sect. 1.*

I *A. B.* of am really and *bona fide* seized of an Annuity or Rent-charge, for my own Use and Benefit, of the clear yearly Value of forty Shillings, above all Rents and Charges payable out of the same, wholly issuing out of Freehold Lands, Tenements or Hereditaments, belonging to *C. D.* of situate, lying, and being in the Parish, Township, or Place, or in the Parishes, Townships, or Places of *E*, in the County of without any Trust, Agreement, Matter, or Thing, to the contrary, notwithstanding; and I, or the Person or Persons under whom I claim, was or were seized of the said Annuity or Rent-charge, before the first Day of *June*, One thousand seven hundred and sixty-three.



N<sup>o</sup>. XXIX.

*The Certificate to be entered on Oath by Freeholders,  
&c. with the Clerks of the Peace, in Pursuance of  
stat. 3 Geo. 3. ch. 24. sect. 2.*

I *A. B.* of am really and *bona fide* seized  
of an Annuity or Rent-charge, to my own Use and  
Benefit, of the clear yearly Value of forty Shillings  
a Year, above all Rents and Charges payable out  
of the same, wholly issuing out of Freehold Lands,  
Tenements or Hereditaments, belonging to *C. D.*  
of situate, lying and being in the Parish,  
Township, or Place, or in the Parishes, Town-  
ships, or Places of in the County of  
without any Trust, Agreement, Matter  
or Thing, to the contrary, notwithstanding; and  
I became seized of the said Annuity or Rent-charge  
on the Day of last past, by Descent or  
otherwise (*as the Case may happen.*)

N<sup>o</sup>. XXX.

*The returning Officer's Oath, to be taken by 2 Geo. 2.  
ch. 24. sect. 3.*

I *A. B.* do solemnly swear, that I have not, di-  
rectly nor indirectly, received any Sums or Sums  
of Money, Office, Place, or Employment, Gra-  
tuity or Reward, or any Bond, Bill or Note, or any  
Promise or Gratitude whatsoever, either by myself, or  
any other Person to my Use, or Benefit, or Advan-  
tage,

tage, for making any Return at the present Election of Members to serve in Parliament; and that I will Return such Person or Persons as shall, to the best of my Judgment, appear to me to have the Majority of legal Votes.

## Nº. XXXI.

### *Form of the Lord Steward's Deputation.*

*William Earl Talbot*, Lord Steward of his Majesty's Household, and one of his Majesty's most honourable Privy-council, to all to whom these Presents shall come, KNOW YE, That I the said Lord Steward, by Virtue of my said Office of Lord Steward, HAVE constituted, named, and appointed, AND by these Presents, DO constitute, name, and appoint, [about three Score and fifteen Noblemen and Gentlemen] or any Six, Five, Four, Three, Two, or One of them, my Deputy and Deputies, in my Place and Stead, to tender and administer the Oaths mentioned in a Statute made in the first Year of the Reign of their late Majesties King *William* and Queen *Mary*, intituled, "An for removing and preventing all Doubts and Disputes concerning the assembling and sitting of this present Parliament," according to the Directions of the said Statute, and of all and every other Statute and Statutes, directing the taking the said Oaths before me, to all and every Person and Persons, who is, are, or shall be, elected or appointed a Knight, Citizen, Burgeis, Baron of any of the five Ports, or Commissioners for the Shires or Burghs of the present Parliament, appointed to meet the  
Day

Day of \_\_\_\_\_ and to take and receive the  
 Oaths of all and every the said Person and Persons,  
 who is, are or shall be elected or appointed a  
 Knight, Citizen, Burgess, Baron of any of the five  
 Ports, or Commissioners for the Shires or Burghs  
 aforesaid, for the said Parliament; ALSO, to  
 tender and administer the Oath mentioned in a Sta-  
 tute made in the seventh Year of the Reign of his  
 late Majesty, (intituled, "An Act for the better  
 regulating the Election of Members to serve in the  
 House of Commons, for that Part of *Great Britain*  
 called *Scotland*, and for incapacitating the Judges  
 of the Court of Session, Court of Justiciary, and  
 Barons of the Court of *Exchequer* in *Scotland*, to be  
 elected, or to sit or Vote as Members of the House  
 of Commons,") according to the Directions of  
 another Statute made in the sixteenth Year of his  
 late Majesty's Reign, directing the said Oath  
 to be taken before me, to all and every Person and  
 Persons, who is, are, or shall be chosen, a Member  
 to serve in Parliament for any Shire or Stewartry,  
 within that Part of *Great Britain*, called *Scotland*,  
 and who was not, were not, or shall not, be pre-  
 sent, at the Meeting of Election; AND to take  
 and receive the Oath of all and every such Person  
 and Persons, giving them, my said Deputies, Six,  
 Five, Four, Three, Two, or One of them, full  
 Power and Authority to execute, and perform the  
 Matters herein-before mentioned, RATIFYING  
 and confirming all and whatsoever my Deputies or  
 Deputy shall lawfully do and perform in this Behalf,  
 in as ample, perfect, and full Manner, as if I myself  
 had personally been present, and done the same; in  
 Testimony whereof, I the said Lord Steward have  
 hereunto set my Hand and Seal, this \_\_\_\_\_ Day  
 of \_\_\_\_\_ in the eighth Year of the Reign of,

Ed. and in the Year of our Lord One thousand seven hundred and sixty-eight.

Sealed and delivered  
(being first duly stamped)  
in the Presence of

TALBOT L. S.

N. B. The Form to be met with in the printed Journals of the House of Commons, we think is injudiciously drawn up, and have therefore presumed to alter it in the above.



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